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## March 15, 2008 (Pages 1233-1340)

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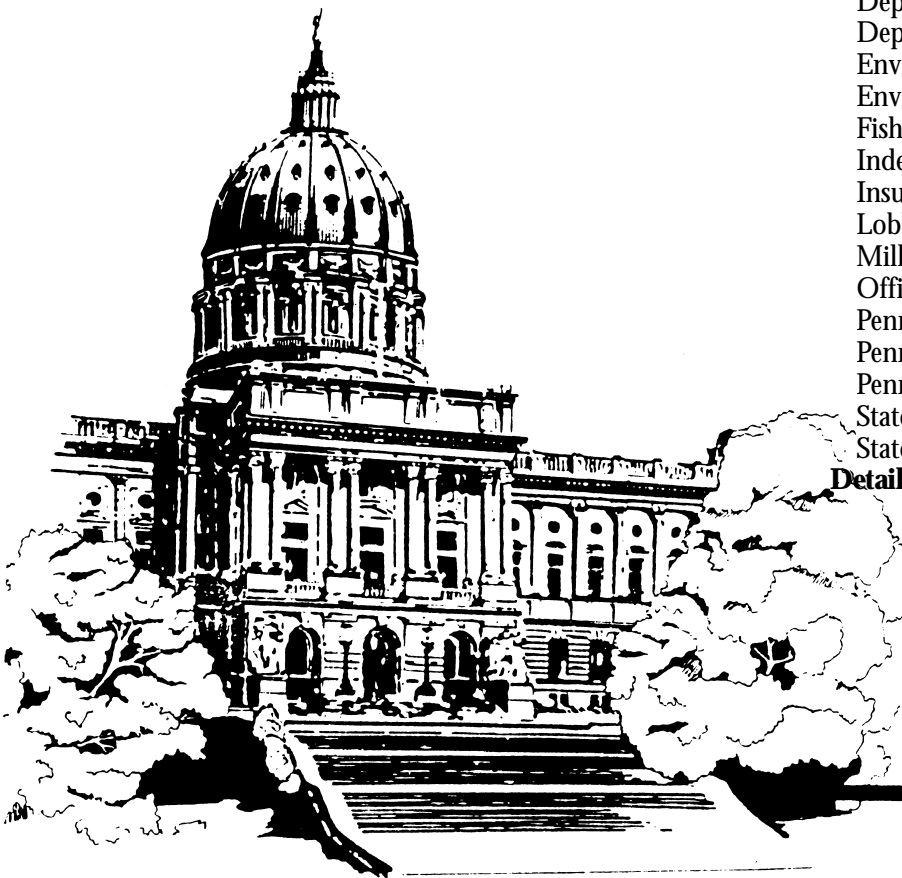
# PENNSYLVANIA BULLETIN

Volume 38  
Saturday, March 15, 2008 • Harrisburg, PA  
Number 11  
Pages 1233—1340

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State Board of Nursing

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**Latest Pennsylvania Code Reporter  
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**No. 400, March 2008**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

#### Juvenile Probation Officers Firearms Policy; Family Court Administrative Order No. 08-01

*And Now*, this 25th day of February, 2008, upon recommendation and approval of the First Judicial District of Pennsylvania Administrative Governing Board and recognizing the risk of harm confronted by Juvenile Probation Officers at times when carrying out the objectives and purposes of the Juvenile Act, subject to the limitations set forth, and in accordance with the directive entered by the Pennsylvania Supreme Court April 11, 1986, at No. 55 Judicial Administration Docket No. 1, Eastern District defining the duties of administrative judges and the authority provided by Pa.R.J.C.P. No. 121, for good cause shown:

*It Is Hereby Ordered and Decreed that:*

1. The Chief Juvenile Probation Officer of Philadelphia County, is from time to time, authorized to designate with the approval of the Administrative Judge of the Family Court Division specific juvenile probation officers as weapons carrying officers within the meaning of 61 P. S. § 332.2 (relating to the County Probation and Parole Officers' Firearm Education and Training Law).

2. Each such juvenile probation officer so designated as a weapons carrying officer shall possess the requirements necessary to qualify for participation in Firearm Education and Training as set forth 61 P. S. § 332.7.

3. Each such juvenile probation officer so designated as a weapons carrying officer shall successfully complete the mandatory weapons training program established by the First Judicial District of Pennsylvania or the City of Philadelphia prior to being authorized to carry weapons in connection with the performance of the duties associated with employment as a juvenile probation officer.

4. Each such juvenile probation officer so designated as a weapons carrying officer shall procure a certification number from the County Probation and Parole Officers' Firearm Education and Training Commission indicating that the officer has successfully completed a mandatory basic training course or was issued a waiver of the basic training prior to being authorized to carry weapons in connection with the performance of the duties associated with employment as a juvenile probation officer.

Pursuant to Pa.R.J.A. No. 103 and consistent with Pa.R.J.C.P. No. 121 notice is provided that the certified copies of the this Administrative Order shall be filed with the Administrative Office of the Pennsylvania Courts, the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, the Juvenile Court Procedural Rules Committee and the Office of the Philadelphia County Clerk of Courts. This Administrative Order shall become

effective not less than thirty (30) days after publication of Administrative Order in the *Pennsylvania Bulletin*.

*By the Court*

HONORABLE KEVIN M. DOUGHERTY,  
*Administrative Judge*

[Pa.B. Doc. No. 08-440. Filed for public inspection March 14, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### FRANKLIN AND FULTON COUNTIES

#### Amendment of Local Civil Action Rule 39-1915.3; Misc. Doc. Vol. 2008, page 748

##### Order of Court

February 12, 2008, Civil Action Rule No. 39-1915.3, for the Court of Common Pleas of the 39th Judicial District of Pennsylvania is hereby amended as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN R. WALKER,  
*President Judge*

#### Rule 39-1915.3. Commencement of Action. Complaint. Order.

##### (b) Reference to Conciliator and Assignment to Judge.

(1) *Assignment to Conciliator.* The Court Administrator shall assign all custody actions to a Conciliator designated by the Court, who shall conduct a Conciliation Conference with both legal counsel and the parties. Further, the Court Administrator shall assign the Conciliator, date, time and place for the Conciliation Conference after the Order has been signed by the Court. The Order of Court and directive for Conciliation shall be in a form similar to Sample Form "A." (See Sample Form "A.")

(2) *Assignment to Judge.* The Court Administrator shall assign all custody actions to a Judge after the Order has been signed by the Court and at the same time that the Court Administrator assigns the Conciliator, date, time and place for the Conciliation Conference.

(3) *Conciliator.* The Conciliator shall be a member of the Bar of this Court who, along with any other members of his/her professional practice, shall not be engaged in the practice of law in the field of Domestic Relations. The Conciliator shall not be subject to the subpoena power of this Court to force testimony regarding information revealed during the Conciliation Conference.

(4) *Service.* Counsel for the Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the Non-Moving Party in accordance with the Pennsylvania Rules of Civil Procedure. The Court Administrator shall notify the Conciliator of the list of cases scheduled for conciliation. The Moving Party shall serve a copy of the Complaint and Order for Conciliation upon the assigned Conciliator and shall certify service by filing a Certificate of Service with the Office of the Prothonotary.

(5) *Administrative Fee.* The Moving Party shall deposit a nonrefundable administrative fee of \$200.00 with the Office of the Prothonotary upon the filing of the Complaint. The Conciliator shall be compensated at the rate of \$200.00 for each custody conciliation scheduled. Each conference is expected to last one (1) hour. In the event the Conciliation lasts more than one hour, the Conciliator may petition the Court for additional compensation at the rate of \$100.00 per hour. This additional fee shall be added to the cost of the action and shall be collected by the Prothonotary as directed by the Court. The fee may be changed from time to time upon direction from the Court without the necessity for amending these Rules. The Prothonotary shall post the administrative fee for such filings in its office. The fee shall be paid to the Conciliator by the Prothonotary upon receipt of the conciliator's billing statement. In the event the Moving Party is unable to pay the administrative fee, such party may apply for an Order to Proceed In Forma Pauperis. If the Court authorized In Forma Pauperis status, the administrative fee shall be paid by the County of Franklin.

In the event a party files a request for an additional Conciliation, the party shall pay an additional administrative fee for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

In the event a party requests a general continuance of a scheduled Conciliation Conference, if the rescheduled Conciliation Conference is scheduled more than six months after the continued Conciliation Conference, the party shall pay an additional administrative fee of \$200.00 for such Conciliation Conference which must be paid prior to the scheduling of an additional Conciliation Conference.

(6) *Authority of Conciliator.* The Conciliator shall have the following authority and responsibility:

a. To conciliate custody cases which specifically includes meeting with the parties and children, if appropriate. If a party desires the children to be present at the Conciliation Conference, he/she shall make said request of the Conciliator no later than seven days prior to the scheduled conference. The Conciliator shall determine the appropriateness of the request on a case-by-case factual basis after consultation with counsel for both parties or with a pro se party;

b. To address the need for home studies, as appropriate;

c. To address the issue of utilization of expert witnesses, as appropriate; and

d. To recommend a resolution of the custody conflict which recommendation shall be included in the Summary Report and submitted to the Court for further action.

If the parties are not able to agree upon the need for home studies and/or the need for any other expert witnesses, either party may petition the Court pursuant to Pa.R.C.P. 1915.8 for the appointment of an expert and the payment of his or her fees.

(7) *Memorandum by Parties.* At least three (3) days prior to the scheduled Conciliation Conference, the Conciliator and counsel for the opposing party, or the pro se party individually, shall receive a Memorandum addressing the following:

- a. Factual background including a brief history of the case.
- b. Names and ages of the children.
- c. A Proposed Order for resolution of matters.
- d. Issues, both factual and legal, for resolution.
- e. Whether a home study is requested.
- f. Whether the party will agree to a particular psychologist/psychiatrist for evaluation or request psychological evaluations.

The parties are directed to supplement the Memorandum from time to time if new information becomes available prior to conciliation.

(8) *Summary by Conciliator.* Following the conclusion of each conference and within seven (7) business days thereof, the Conciliator shall file with the Prothonotary a Summary Report and proposed order of court if applicable in the original plus two (2) copies.

a. In the event the parties reach a comprehensive agreement at the Conciliation Conference, the Summary Report shall so state and the Proposed Order of Court shall reflect the terms of the agreement and shall be titled a Final Order of Court.

b. In the event the parties reach a partial agreement, or fail to reach any agreement to modify the existing order, said Summary Report shall include the following:

- i. Custody status at the time of conciliation;
- ii. Summary of the parties' positions;
- iii. Identification of legal and factual issues before the Court; and
- iv. The Conciliator's recommendation and rationale therefore.

The Proposed Order of Court shall reflect the terms of any partial agreement reached and the need for home studies, psychological evaluations, or both. If the proposed order of court amends the temporary order entered at the custody presentation, the order shall also include a provision stating that the order will become a final appealable order of court 181 days after the date of filing of the complaint/petition and shall include the exact date that the order will become final.

The Prothonotary shall serve copies of the Summary Report and any Order entered upon the parties, or their legal counsel if represented in accordance with Pa.R.C.P. 236.

(c) **Entry of Court Order.** Upon review of the conciliator's Summary, the Court may issue an Order addressing the appropriate issues. A copy of said Order of Court shall be furnished to legal counsel for the parties or in the event a party is unrepresented, to the party directly, according to the procedures outlined in local rule 39-1915.3(b)(8).

(d) **Scheduling of Pre-Trial Conferences and Hearings.** Upon the completion of home studies and psychological evaluations (if applicable) and at any time after the entry of the Order of Court approving the Conciliator's Summary, either party may present a Motion and Proposed Order for scheduling a Pre-Trial Conference with the Court. (See Sample Form "B") The Order

of Court for Pre-Trial Conference shall contain language requiring the parties to the proceedings to attend and successfully complete the Education Program for Divorcing Parents. The party filing the Motion for a Pre-Trial Conference shall provide the Prothonotary with a pre-addressed, envelope for each party to the custody action. The Court Administrator's office shall send to each party the pamphlet regarding the Education Program for Divorcing Parents. Every effort shall be made by the Court Administrator to schedule a Pre-Trial Conference within thirty (30) days of the submission of a Motion by either party requesting said conference taking into consideration the availability of the Court. Each party's presentation at the Pre-Trial Conference shall not exceed a time limit of fifteen (15) minutes. At least three (3) days prior to the scheduled Pre-Trial Conference, a Pre-Trial Memorandum containing the following matters shall be filed of record:

- a. Statement of the case.
- b. Issues to be resolved.
- c. Stipulated issues and facts.
- d. Names and addresses of all factual witnesses, and a brief summary concerning the anticipated testimony of each listed witness and a certification by counsel that all witnesses listed have been directly contacted by counsel or by pro se party to confirm the substance of the testimony proffered.
- e. Names and addresses of all expert witnesses.
- f. Identification of exhibits for trial.
- g. Expected length of trial.

Failure to produce the information set forth in this Rule may be grounds for imposition of sanctions upon legal counsel or the party directly if appearing pro se.

At the scheduled Pre-Trial Conference, both counsel shall be present and the parties shall be personally present. In the event that neither legal counsel nor a party appears, the Pre-Trial Conference shall be held in that party's absence upon proof of service of the Order of Court for Pre-Trial Conference in accordance with the Pennsylvania Rules of Civil Procedure. Although the Court may not discuss the case with represented parties, they are directed to be present in the event issues arise where the parties' input may be beneficial.

In the event that an agreement is not reached at the Pre-Trial Conference, a hearing date shall be established by the Court Administrator at the conclusion of said conference.

#### **SAMPLE FORM "A"**

#### **IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH**

|           |   |                   |
|-----------|---|-------------------|
| Plaintiff | : | Civil Action- Law |
| v.        | : | No. F.R. _____    |
| Defendant | : | Custody           |
|           | : | _____ J.          |

#### **ORDER OF COURT AND DIRECTIVE FOR CONCILIATION**

NOW this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, This Order will notify \_\_\_\_\_, Defendant that you have been sued in court to obtain custody of the child(ren): \_\_\_\_\_, date of birth \_\_\_\_\_.

It is ordered and directed that \_\_\_\_\_, Esquire, the Court's child Custody Conciliation Officer, is hereby directed to conduct a Conciliation Conference on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M. at the Assigned Room, Third Floor, Franklin County Courthouse, Chambersburg, Pennsylvania. The anticipated length of the Conciliation Conference is one (1) hour. The parties along with their legal counsel shall appear in person at the designated time for the Conciliation Conference. A Memorandum shall be furnished to the Conciliator at least three (3) days prior to the scheduled Conciliation Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(b)(7). Failure to provide said Memorandum may result in the imposition of sanctions.

At the Conciliation Conference, an effort will be made to see if the issues can be resolved by an agreement between the parties. If an agreement cannot be reached, the Conciliator will assist in defining and narrowing the issues to reduce the time required for hearing by the Court. At the conclusion of the conference, the Conciliator will prepare a Conference Summary Report for further action by the Court.

You have the right to be represented by an attorney who may attend the Conciliation Conference with you. If you have not secured an attorney by the date of the scheduled Conciliation Conference, you shall nonetheless personally appear at the time scheduled for the Conciliation Conference without an attorney.

The Plaintiff has deposited the sum of \$200.00 with the Prothonotary for the cost of the Conciliation Conference and the Court reserves the right to further assign or divide these costs.

\_\_\_\_\_, Defendant, is notified that if you fail to appear as provided by this Order, an Order of Court for Custody, partial custody or visitation may be entered against you or the Court may issue a warrant for your arrest.

Pending the hearing, with emphasis placed on the arrangements for the six (6) months preceding the filing of this Complaint and with particular attention paid to the role of primary caretaker, the Court hereby establishes the following temporary Order for custody pending a hearing; (the appropriate language should be inserted at this point detailing the custody arrangements sought by the Plaintiff keeping in mind the emphasis to be placed upon the prior six (6) months and the role of primary caretaker.) (It is suggested one (1) inch of blank space be left for judge's comments or changes to the proposed Order.)

**This Order shall become a final appealable order 181 days after the date of filing of the attached Complaint/Petition, that is, on \_\_\_\_\_ (fill in date 181 days after the date of filing of the complaint/petition) \_\_\_\_\_, unless prior to that date [ 1 ] a party files a praecipe, motion or request for a trial, or [ 2 ] there is filed a final intervening order.**

Defendant is hereby notified that if (s)he disputes the Plaintiff's averments regarding the current status of the custody arrangement and this Order entered on the basis of those averments, (s)he has the right to request a

prompt conference with the Court. If the matter of the temporary custody arrangements is not resolved at the conference, the Court may in atypical factual situations and its sole discretion schedule a brief hearing limited to the issues of determining temporary custody arrangements pending the scheduled Conciliation Conference.

The parties and their legal counsel, if applicable, are hereby directed to engage in meaningful negotiations to resolve this matter before the Conciliation Conference.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Pennsylvania Bar Association  
Lawyer Referral Service  
1-800-692-7375 (PA ONLY) or 1-717-238-6715

#### AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Franklin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.

BY THE COURT,

J.

#### SAMPLE FORM "B"

#### IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH

, Plaintiff : Civil Action- Law  
v. : No. F.R. \_\_\_\_\_  
Defendant : Custody  
J.

#### ORDER OF COURT

AND NOW this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the within Motion,

IT IS HEREBY ORDERED that a Pre-Trial Conference in the above-captioned custody matter is scheduled for \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_ M. in the Chambers of the Honorable \_\_\_\_\_, Franklin County Courthouse, Chambersburg, Pennsylvania.

A Pre-Trial Memorandum shall be furnished to the Court at least three (3) days prior to the scheduled Pre-Trial Conference pursuant to 39th Judicial District Civil Rule No. 1915.3(d). Failure to provide said Pre-Trial Memorandum may be grounds for imposition of sanctions.

Failure of a party or legal counsel to appear upon proper notice shall result in the holding of the conference

in absentia and the entry of an Order of Court that may be to the detriment of the absent party.

**IT IS FURTHER HEREBY ORDERED** that all parties to this custody proceeding shall enroll in, attend and successfully complete the Education Program for Divorcing Parents, a four-hour educational seminar which has been established by the Court to provide guidance to the parties in helping children to adjust to custody changes. Failure of any party to comply with this provision of this Order may result in a finding of contempt with the imposition of sanctions including fine or imprisonment or both.

BY THE COURT,

J.

#### IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA—FRANKLIN/FULTON COUNTY BRANCH

, Plaintiff : Civil Action- Law  
v. : No. F.R. \_\_\_\_\_  
Defendant : Custody  
J.

#### MOTION FOR SCHEDULING OF A PRE-TRIAL CONFERENCE

AND NOW comes \_\_\_\_\_, Esquire, legal counsel for the above-captioned Plaintiff and moves the Court as follows:

1. A Conciliation Conference in the above-captioned matter was held on \_\_\_\_\_.

2. A Summary Report and Proposed Order of Court was prepared by the Conciliator and filed of record on \_\_\_\_\_.

3. The Order of Court was signed on \_\_\_\_\_ containing further directives in this matter.

4. The undersigned legal counsel hereby certifies that all court-ordered directives have been complied with and the matter is now ready for a hearing.

5. Notification of this Motion has been given to \_\_\_\_\_, Esquire Attorney for (Plaintiff/Defendant) who concurs with/opposes the request.

WHEREFORE, it is respectfully requested that an Order be entered by the Court establishing a date and a time for a Pre-Trial Conference.

Date: \_\_\_\_\_  
By \_\_\_\_\_  
(Signature), Esquire  
Counsel for (Plaintiff/Defendant)

I verify that the statements made in this Motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

[Pa.B. Doc. No. 08-441. Filed for public inspection March 14, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Samuel A. Malat having been disbarred from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated June 5, 2007, the Supreme Court of Pennsylvania Disbarred Samuel A. Malat from the practice of law in this Commonwealth, effective March 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-442. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Eduardo Kelvin Curry having been suspended from the practice of law in the State of South Carolina for a period of 6 months by Opinion and Order of the Supreme Court of South Carolina filed June 11, 2007, the Supreme Court of Pennsylvania issued an Order dated February 27, 2008, suspending Eduardo Kelvin Curry from the practice of law in this Commonwealth for a period of 6 months, effective March 28, 2008. In accordance with Rule 217(f),

Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-443. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Notice of Suspension

Notice is hereby given that Lloyd Felix Ukwu having been suspended from the practice of law in the District of Columbia for a period of 2 years by Opinion and Order of the District of Columbia Court of Appeals decided June 21, 2007, the Supreme Court of Pennsylvania issued an Order dated February 27, 2008, suspending Lloyd Felix Ukwu from the practice of law in this Commonwealth for a period of 2 years, effective March 28, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 08-444. Filed for public inspection March 14, 2008, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 218 AND 240 ]

### Radiological Health and Radon Certification Fees

The Environmental Quality Board (Board) proposes to amend Chapters 218 and 240 (relating to fees; and radon certification.) The amendments in Chapter 218 will increase the annual fees for registration of radiation-producing machines, radiation-producing machine service providers, accelerator licenses and radioactive material licenses as well as the hourly rate professional fee associated with certain full cost recovery licenses. The amendments in Chapter 240 will increase the application fees for certification of radon services.

This proposal was adopted by the Board at its meeting of December 18, 2007.

#### A. *Effective Date*

These proposed amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information contact Louis Ray Urciuolo, Chief, Division of Radiation Control, P. O. Box 8469, Rachel Carson State Office Building, Harrisburg, PA 17105-8469, (717) 787-3720 or Richard Morrison, Assistant Counsel, Bureau of Regulatory Counsel (Bureau), P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site, [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. *Statutory Authority*

These amendments are proposed under the authority of the following statutes:

Sections 301, 302 and 401 of the Radiation Protection Act (act) (35 P. S. §§ 7110.301, 7110.302 and 7110.401) direct the Department to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation sources and radiation source users, collect fees adequate to recover program costs and delegate to the Board the power to adopt the regulations of the Department to implement the act.

Sections 4, 5 and 8 of the Radon Certification Act (63 P. S. §§ 2004, 2005 and 2008), which direct the Department to establish radon certification programs and to establish a fee schedule to cover the costs of the certification programs.

Section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes and directs the Board to adopt regulations necessary for the proper performance of the work of the Department.

#### D. *Background and Purpose*

The act requires that the fees be reviewed for adequacy every 3 years. The current fees in Chapter 218 were last revised in 2001 and the fees in Chapter 240 have not been revised since their inception in 1991, both despite a significant increase in personnel costs and the need to make a substantial investment in upgrading specialized technical equipment and program infrastructure. Programs can no longer be sustained at current levels as required. In addition, major program expansion is planned for April 1, 2008. At that time due to an upcoming agreement with the United States Nuclear Regulatory Commission (NRC), the radioactive material licensing and inspection program will expand by up to 25 people resulting in up to a tenfold increase in that component of the Radiation Protection Program's budget. The agreement is necessary as a result of the Energy Policy Act of 2005 and is mandated by the act. Otherwise, around August 2009 the Department would forfeit its regulatory authority to the NRC and lose its current program for licensing and inspecting the use of radioactive material.

#### *Chapter 218. Radiological Health Fees*

The programs funded through Chapter 218 permit fees include registration and inspection of X-ray facilities, licensing and inspection of accelerators, registration of radiation-producing machine service providers and licensing and inspection of radioactive material users. An important component to the fees in Chapter 218 is the professional hourly rate fee that supports required full cost recovery for unique services that cannot be standardized. Examples include the evaluation, inspection and licensing of very high-energy accelerators and decommissioning activities at contaminated sites.

There are approximately 11,000 permits issued for X-ray facilities, accelerators, radioactive material users and radiation-producing machine service providers, each with associated annual fees.

#### *Chapter 240. Radon Certification Fees*

Chapter 240 contains biennial application fees for the certification of radon services such as radon testing and mitigation. There are about 750 certified radon services that are subject to the certification fees and late penalties. The proposed permit fee increases are to ensure that the cost of permitting is borne by user fees rather than general fund moneys as much as possible without damaging the viability of this marginal industry. New penalties have also been proposed in Chapter 240 in the form of a "late fee" for anyone failing to submit a renewal application for certification of radon testing services at least 30 days prior to the expiration date or failing to provide the Department with a report of radon services or absence of activity within 90 days of the completion of the activity. If a firm wishes to have more than one certified radon tester, there is a new fee for certification of each additional employee. In addition, there is a new fee for each type of primary testing device the tester is certified to use. There is also a new fee for certification of radon courses used to satisfy educational requirements.

Proposed changes to the radiological fees regulations in Chapters 218 and 240 were reviewed by the Department's Radiation Protection Advisory Committee (Committee). The Committee represents various stakeholder interests and the general public. The proposed rule was presented

to the Committee and reviewed in detail at its meeting on August 21, 2007. The Committee submitted a letter, dated September 12, 2007, recommending the draft proposed regulations be forwarded to the Board.

The letter from the Committee also expressed two concerns. The Committee suggested that all fees be indexed to a measure of inflation, and that fees be phased in or scaled, or both, to the relative size of each radon business. The Bureau considered the concerns expressed by the Committee, but maintains that it is Department policy to adjust for inflation through a 3-year regulatory review process. Regarding the second concern, the Bureau notes that although the percentage increase in radon-related fees is large, the actual dollar amount of the increase is nominal. Therefore, a phased-in or scaled approach has been deemed unnecessary.

#### E. Summary of Regulatory Requirements

##### *§ 218.11. Registration, Renewal of Registration and License Fees.*

The annual registration fees in subsection (a) for radiation-producing machines, other than accelerators, have been increased by approximately 40% across the board. The same applies to accelerator license fees in subsection (d) and radiation-producing machine service provider registrations in subsection (h). The only exception is the supplemental hourly rate professional fee in subsection (d)(3) that increases from \$50 an hour to \$150 an hour. A major component of these increases are attributed to contractual obligations for salaries and benefits under collective bargaining since 2001 projected through 2010. Paragraph (1) is a requirement levied on the Department to assist the Board in the Board's obligation under the act to review and set sufficient fees every 3 years.

##### *§ 218.11a. Special provisions for calculating fees during agreement state transition period.*

This new section is needed to adjust annual fees for radioactive material licenses transferred from the NRC under agreement state during the first year to transition them from invoicing on the NRC's fiscal year schedule to a license anniversary schedule described in subsection (a). The Department will adjust the annual invoice to include the time from the effective date of the agreement to the anniversary month of the license issuance as indicated in subsection (b). Should the agreement state program become effective before this regulation takes effect, the transition fee will be collected retroactively under subsection (c).

#### *Appendix A Fees for Radioactive Material Licenses.*

Since agreement state will occur before or shortly after the final-form rule and Naturally Occurring and Accelerator-Produced Radioactive Material (NARM) is now considered byproduct material under the jurisdiction of the NRC by the Energy Policy Act of 2005, the NARM fee categories have been deleted. The fee category designations of the NRC have been adopted. Some additional common fee categories from the NRC's fee tables in 10 CFR Parts 170 and 171 have been added. The fees have in general been set equal to the NRC's fee for FY 2007. The formula in Footnote 3 for fee categories not listed has been changed to slightly more than 100% of the corresponding NRC fee because personnel will not be familiar with those categories and they will require extra effort in licensing and inspection. The professional fee component (hourly rate) identified by the asterisk is increased from \$50 per hour to \$150 per hour. This fee is substantially below the NRC's FY 2007 hourly rate of \$265 per hour.

#### *§ 240.3. Definitions.*

Definitions of "primary device" and "primary tester" have been added to support references in regulations such as the radon certification fee table.

##### *§ 240.102. Prerequisites for radon testing certification.*

Subsection (a)(3) clarifies that the Department will accept equivalent testing experience in lieu of 1 year professional experience toward individual tester certification. Subsection (b) clarifies that if a testing firm wishes to have more than one certified person, there will be a separate fee for each additional employee of the testing firm who is certified.

##### *§ 240.103. Radon testing application contents.*

The application contents reflects that the application fee has been moved to a new consolidated fee table.

##### *§ 240.104. Application filing deadline.*

This section imposes a new late application fee for radon testers who fail to reapply for certification at least 30 days prior to either the expiration of their certificate or the anticipated starting date of performing radon testing.

##### *§ 240.113. Radon mitigation application contents.*

Proposed changes reflect that the application fee has been moved to a new consolidated fee table.

##### *§ 240.124. Application filing deadline.*

This section imposes a new late application fee for radon laboratories who fail to reapply for certification at least 30 days prior to either the expiration of their certificate or the anticipated starting date of performing laboratory analysis.

##### *§ 240.303. Reporting of information.*

The amendments to subsection (a) expands upon the existing requirement that radon-related service providers furnish a report of activities to the Department within 45 days to also submit a report even if there is no activity for the time period. A new late reporting fee is also applied to any report subject to the 45-day reporting rule that is not submitted within 90 days of being due.

##### *§ 240.306. Continuing education program.*

Training and continuing education for radon-related services must be approved by the Department. A new course provider fee for persons providing these services is created within the Radon Certification Fee Schedule.

*Radon Certification Fee Schedule.* Fees have been consolidated into a single new table. Existing fees are increased by approximately 40–50%. The table also includes new penalty fees for late reporting of radon services data as well as late submission of renewal applications, a charge for certification of additional employees as testers under a firm and an additional charge for each type of primary testing device a tester is certified to use. Footnote 4 sets forth a task which the Department will perform, to assist the Board in the Board's obligation under the act to review and set sufficient fees every 3 years.

#### F. Benefits, Costs and Compliance

##### *Benefits*

Periodic adjustment of program fees is necessary to maintain a viable radiation protection program. The programs covered by these fees include oversight of accelerators, which are some of the most dangerous but also beneficial radiation-producing machines that the



general public encounters. There is an X-ray safety program that includes medical computed tomography which is the largest source of deliberate exposure to the general public. The radon program involves the largest controllable source of unnecessary exposure to the public. One of the benefits of supporting a radioactive material control program is to guard against the potential for wide spread contamination from the use of radioactive material. The benefit of radon's new late application and reporting penalty fees is to help ensure that anyone providing radon-related services is properly credentialed, and so the Department can maintain a comprehensive database of radon levels in this Commonwealth and follow up on the quality of the services and data. The new Radon Course Provider Fee, additional employee tester fee for firms and separate type primary testing device certification fees are to defray the additional effort the Department expends in certification.

#### *Compliance Costs*

The cost of compliance with the new fee regulation for radiation-producing machines has gone up about 40% in absolute dollars since the fees were last adjusted in 2001. The radon certification fees have increased by a similar amount for the same reasons. The extension of the requirement to report radon-related activities within 45 days, even during periods of no activity, is negligible since the reporting mechanism is already in place and no specific data needs to be assembled for periods of inactivity. The new late fees can be avoided simply by complying with the regulations for timely submittals. The new radon course certification fee could be recovered by the certificateholder through charges levied on individuals who use the course. With respect to the additional personnel certification fee for firms, it is not mandatory to have more than one certified tester in the firm or to utilize any primary testing devices. Radioactive material licensees will also pay more in absolute dollars.

#### *Compliance Assistance Plan*

The Department will put the regulated community on notice to expect higher fees so it will not come as a surprise, particularly the provision for the possible collection of retroactive transition fees for NRC licenses. However, the lead time may be short since much of the invoicing is done 60 days in advance. The reporting of radon data to the Department will be facilitated in the future by the development of a web-based reporting system.

#### *Paperwork Requirements*

There are no additional reporting forms as a result of fee increases. The null reporting requirement in writing for periods of no radon-related service activity can be accomplished through a letter or the service provider's normal report form. The Department is working on expanding the range of acceptable media that can be used for communications with the regulated community. This is expected to include a web-based reporting option. The requirement of reporting periods of no service activity and the submittal of radon course material for certification is viewed as a negligible burden.

#### *G. Pollution Prevention (if applicable)*

Any increase in fees has an indirect effect on pollution prevention. When potentially polluting activities have an associated user fee and are of marginal value, the impact of the fee may result in a decision to discontinue the activity if the benefit is not justified by the cost, thereby reducing the potential pollution. The proposed application of late fees to required radon data submittals helps to

ensure that the Department is made aware of the activities and can perform any necessary quality assurance checks on the activities. The certification of radon educational courses helps ensure the quality of radon services, the primary aim of which is to reduce exposure to radon in contained building structures.

#### *H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 4, 2008, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The regulatory review act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

#### *J. Public Comments*

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by April 14, 2008. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 14, 2008. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

*Electronic Comments.* Comments may be submitted electronically to the Board by completing and submitting the appropriate online form at [www.depweb.state.pa.us/RegComments](http://www.depweb.state.pa.us/RegComments) (select "Radiological Health and Radon Certification Fees (No. 7-423)" from the Proposed Rulemaking drop down box). Comments submitted electronically must be received by the Board by April 14, 2008. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

KATHLEEN A. MCGINTY,  
*Chairperson*

**Fiscal Note:** 7-423. No fiscal impact; (8) recommends adoption. Proposed rulemaking will have no net cost increase to the Commonwealth. State agencies that use licensed radioactive material or radiation-producing ma-

chines have paid license fees in the past and will be subject to the increased fees. Those costs are expected to be nominal.

#### Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

#### ARTICLE V. RADIOLOGICAL HEALTH

#### CHAPTER 218. FEES

#### PAYMENT OF FEES

#### § 218.11. Registration, renewal of registration and license fees.

(a) Annual registration fees for radiation-producing machines, other than accelerators, are the sum of an annual administrative fee and an annual fee for each X-ray tube or radiation generating device as follows:

| Type Facility                              | Annual<br>Administrative<br>Fee | Annual Fee<br>per X-ray<br>Tube or Radiation<br>Generating Device |
|--|---------------------------------|---|
| Dentists,<br>podiatrists,<br>veterinarians | [ \$ 70 ] \$100                 | [ \$35 ] \$50   |
| Hospitals                                  | [ \$520 ] \$725                 | [ \$35 ] \$50   |
| Other Facilities                           | [ \$250 ] \$350                 | [ \$35 ] \$50   |
| * * * * *                                  |                                 |   |

(d) Particle accelerators are licensed under Chapter 228 (relating to radiation safety requirements for particle accelerators). Annual fees are as follows:

[ (i) ] (1) Accelerators, below 50 MeV, other than for ion implantation—[ \$1,500 ] \$2,100 for the first accelerator at the facility plus [ \$500 ] \$700 for each additional unit at that facility.

[ (ii) ] (2) Accelerators used for ion implantation—[ \$500 ] \$700 plus [ \$50 ] \$70 for each additional unit at the same facility.

[ (iii) ] (3) Accelerators [ above ] 50 MeV and above—full cost of staff time to review license applications and conduct inspections as needed. (Hourly rate is [ \$50 ] \$150 per hour). For the purpose of anticipating costs and compliance with subsections (e) and (f), a minimum annual fee of [ \$1,500 ] \$2,100 for the first accelerator at the facility plus [ \$500 ] \$700 for each additional unit is established. Additional invoices will be issued by the Department at regular intervals at least quarterly when net costs are incurred above the minimum annual fee.

\* \* \* \* \*

(h) A radiation-producing machine service provider shall pay an annual registration fee of [ \$100 ] \$140.

(i) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to in-

crease fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

#### § 218.11a. Special provisions for calculating fees during agreement state transition period.

(a) The fees for the NRC licenses that are transferred to the Commonwealth on the date the Commonwealth becomes an agreement state will be invoiced on the license's next anniversary date.

(b) During the first year after the date the Department attains agreement state status, the annual fee for each NRC license transferred to the Commonwealth will include a proportional amount, based on the schedule of fees in Appendix A, for the period from the date agreement state status is attained until the license's next anniversary date, in addition to the amount assessed for the year following the license's anniversary date.

(c) In the event that the Commonwealth attains agreement state status prior to \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposal.*), the provisions of this section and § 218.11 and Appendix A (relating to registration, renewal of registration and fees; and fees for radioactive material licenses) will be applied retroactively to NRC licenses transferred to the Commonwealth.

#### APPENDIX A

#### Fees for Radioactive Material Licenses

| Fee<br>Category <sup>5,6</sup> | Description  | Annual Fee<br>(\$) <sup>1,2,3,4,7</sup> |
|--------------------------------|--|---|
| 1C                             | Special Nuclear Material<br>Sealed Source Gauges<br>(X-Ray Fluorescence)                     | [ 875 ] 2,100                           |
| 1D                             | Special Nuclear<br>Material—Other  | [ 2,475 ] 5,800                         |
| 2A(2)(c)                       | Source Material—metal<br>extraction  | 90,200                                  |
| 2A5                            | Removal of Radioactive<br>Contaminants from<br>Drinking Water                                | 11,200                                  |
| 2B                             | Source Material as<br>Shielding  | [ 450 ] 750                             |
| 2C                             | Source Material—Other<br>(not 11e2)  | [ 8,650 ]<br>13,400                     |
| [ 3A1 ] 3A                     | Manufacturing &<br>Distribution Commercial<br>Broad Scope—10 CFR<br>30, 33                   | [ 19,875 ]<br>29,100                    |
| [ 3A2 ]                        | Manufacturing &<br>Distribution<br>Commercial Broad<br>Scope—NARM Only                       | 4,000 ]                                 |
| [ 3B1 ] 3B                     | Manufacturing,<br>Refurbishing &<br>Distribution Commercial<br>Specific License—10 CFR<br>30 | [ 4,650 ] 8,300                         |
| [ 3B2 ]                        | Manufacturing &<br>Distribution<br>Commercial Specific<br>License—NARM Only                  | 2,000 ]                                 |

| <i>Fee Category<sup>5,6</sup></i> | <i>Description</i>  | <i>Annual Fee (\$)<sup>1,2,3,4,7</sup></i> | <i>Fee Category<sup>5,6</sup></i> | <i>Description</i>   | <i>Annual Fee (\$)<sup>1,2,3,4,7</sup></i> |
|-----------------------------------|---|--|-----------------------------------|--|--|
| [ 3C1 ] 3C                        | Manufacturing & Distribution Pharmaceuticals—10 CFR 32.72—32.74   | [ 11,650 ]<br>11,900                       | 3R2                               | <b>Greater than ten times the General License Limits in 10 CFR 31.12(a)(3), (4) or (5)</b>   | 2,700                                      |
| [ 3C2                             | <b>Manufacturing &amp; Distribution Pharmaceuticals—NARM Only</b>   | 4,000 ]                                    | 3S                                | <b>Manufacturing &amp; Distribution Pharmaceuticals—Accelerator Produced Only</b>  | 11,800                                     |
| [ 3D1 ] 3D                        | Pharmaceuticals—Distribution Only—10 CFR 32.7x  | [ 2,825 ] 6,800                            | 4A                                | Waste Storage, Processing or Disposal  | Full Cost *                                |
| [ 3D2                             | <b>Pharmaceuticals—Distribution Only—NARM Only</b>  | 2,000 ]                                    | 4B                                | Waste Packaging or Repackaging   | [ 8,175 ]<br>12,000                        |
| 3E                                | Irradiator—Shielded Source  | [ 2,575 ] 4,200                            | 4C                                | Waste Receipt of Prepackaged for Disposal  | [ 6,125 ] 9,200                            |
| 3F                                | Irradiator—Unshielded < 10kCi   | [ 4,300 ] 7,800                            | 5A                                | Well Logging & Non Field Flood Tracers   | [ 7,500 ] 4,400                            |
| 3G                                | Irradiator—Unshielded >= 10kCi  | [ 10,750 ]<br>31,200                       | 5B                                | Well Logging Field Flood Tracer Studies  | Full Cost *                                |
| 3I                                | Distribution As Exempt—No Review of Device  | [ 3,525 ]<br>10,700                        | 6A                                | Nuclear Laundry  | [ 14,250 ]<br>28,800                       |
| 3J                                | Distribution—SSD Devices to Part 31 GLs   | [ 1,550 ] 2,500                            | 7A                                | Human Use—Teletherapy  | [ 11,275 ]<br>13,700                       |
| 3K                                | Distribution—No Review-Exempt Sealed Source   | [ 1,300 ] 1,900                            | [ 7B1 ] 7B                        | Human Use—Broad Scope (except Teletherapy)   | [ 19,975 ]<br>29,000                       |
| [ 3L1 ] 3L                        | Research & Development Broad Scope  | [ 8,300 ]<br>15,100                        | [ 7B2                             | <b>Human Use—Broad Scope (except Teletherapy)—NARM Only</b>  | 2,000 ]                                    |
| [ 3L2                             | <b>Research &amp; Development Broad Scope—NARM Only</b>   | 2,000 ]                                    | [ 7C1 ] 7C                        | Human Use—Specific License (except Teletherapy)  | [ 4,300 ] 4,900                            |
| [ 3M1 ] 3M                        | Research & Development  | [ 3,650 ] 5,600                            | [ 7C2                             | <b>Human Use—Specific License (except Teletherapy)—NARM Only</b>   | 750 ]                                      |
| [ 3M2                             | <b>Research &amp; Development—NARM Only</b>   | 750 ]                                      | [ 8A1 ] 8A                        | Specifically licensed sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage             | [ 875 ] 2,100                              |
| 3N                                | Services other than Leak Testing, Waste Disposal or Calibration   | [ 3,875 ] 8,500                            |                                   |  |  |
| 3O                                | Radiography   | [ 10,850 ]<br>14,100                       |                                   |  |  |
| [ 3P1 ] 3P                        | Other Byproduct Material  | [ 1,900 ] 2,700                            |                                   |  |  |
| [ 3P2                             | <b>NARM Licenses not covered elsewhere</b>  | 750 ]                                      | [ 8A2                             | <b>Specifically licensed NARM sources used in static eliminators, nonexempt smoke detectors, fixed gauges, dew pointers, calibration sources, civil defense uses or in temporary (2 years or less) storage</b> | 200 ]                                      |
| 3Q                                | Generally licensed devices under § 217.143 (relating to certain measuring, gauging or controlling devices)                | [ 315 ] 320                                |                                   |  |  |
| 3R1                               | <b>Greater than the General License Limits in 10 CFR 31.12(a)(3), (4) or (5) but not more than ten times those Limits</b> | 2,100                                      | 14                                | Decontamination, Decommissioning, Reclamation or Site Restoration  | Full Cost *                                |

| <i>Fee Category<sup>5,6</sup></i> | <i>Description</i>               | <i>Annual Fee (\$)<sup>1,2,3,4,7</sup></i> |
|-----------------------------------|----------------------------------|--|
| <b>[ 16A ] 16</b>                 | Reciprocity (180 days/year)      | <b>[ 900 ] 1,500</b>                       |
| <b>[ 16B</b>                      | Reciprocity—NARM (180 days/year) | <b>300 ]</b>                               |
| SB1 <sub>5</sub>                  | Small Business—Category 1        | <b>[ 2,100 ] 2,300</b>                     |
| SB2 <sub>6</sub>                  | Small Business—Category 2        | <b>[ 400 ] 500</b>                         |

<sup>1</sup> A license may include as many as four noncontiguous sites at the base fee. Sites that are within 5 miles of the main **[ Radiation Safety Office ] radiation safety office** where the license records are kept will be considered contiguous. An additional fee of 25% of the base fee will be added for each noncontiguous site above four.

<sup>2</sup> All fees **[ for NARM licenses ]** will be effective upon publication of the final rules in the *Pennsylvania Bulletin*. **[ The fees for NRC licenses that are transferred to the Commonwealth will be effective on the next license anniversary date. ]** Existing NARM licenses will be changed to the corresponding category of byproduct material license **[ on the next license anniversary date after achievement of Agreement State status and fees adjusted at that time. The NARM license categories will cease to exist one year after Agreement State status is achieved ]** in Appendix A upon publication of the final rule.

<sup>3</sup> Annual fees for categories of NRC licenses that are not included in this table will be calculated as follows: PA Fee = **[ 0.7 ]** (NRC Annual Fee + 0.10 NRC Application or Renewal fee).

<sup>4</sup> Annual fees charged to holders of transferred NRC licenses with multiple sites will not exceed the fees charged by the NRC for the same licenses **that are in effect** in the year of transfer, provided the number of noncontiguous sites **[ remains constant ] does not increase.**

<sup>5</sup> Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Manufacturing Entities that have an average of 35–500 employees with Gross Annual Receipts of more than \$350,000 and less than \$5 million; Small Government Jurisdictions (including publicly supported, nonmedical educational institutions) with a population between 20,000 and 50,000; and nonmedical Educational Institutions that are not state or publicly supported and have 35–500 employees.

<sup>6</sup> Small Businesses Not Engaged in Manufacturing, and Small Not-For-Profit Organizations with Gross Annual Receipts of less than \$350,000; Manufacturing Entities that have an average of less than 35 employees and less than \$350,000 in Gross Annual Receipts; Small Government Jurisdictions (including publicly supported nonmedical educational institutions) with a population less than 20,000; and nonmedical Educational Institutions that are not state or publicly supported and have less than 35 employees.

<sup>7</sup> Full cost recovery licensees and licensees required to provide financial assurance for decommissioning are not eligible for reduced fees under category SB1 or SB2.

\* Full cost recovery consists of a professional fee, to cover the activities and support of Department personnel,

and any other additional incidental charges incurred, such as related contracted services or laboratory costs. The professional fee component (Hourly Rate) is **[ \$50 ] \$150** per hour. Other costs are recovered at 100% of actual cost. Invoices shall be issued by the Department at regular intervals but at least quarterly when net costs are incurred.

## CHAPTER 240. RADON CERTIFICATION

### Subchapter A. GENERAL PROVISIONS

#### GENERAL

#### § 240.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

**Primary device**—Continuous monitors or electrets, or both, read or analyzed, or both, by a primary tester.

**Primary tester**—A tester who reads or analyzes, or both, the continuous monitors or electrets, or both, that the tester places or retrieves, or both.

\* \* \* \* \*

### Subchapter B. CERTIFICATION

#### CERTIFICATION FOR RADON TESTING

#### § 240.102. Prerequisites for radon testing certification.

(a) *Individual certification for radon testing.* An individual will not be certified to test unless the individual has done the following:

\* \* \* \* \*

(3) Had 1 year of professional experience in performing radon measurements **or equivalent as determined by the Department.**

\* \* \* \* \*

(b) *Firm certification for radon testing.* If the applicant for testing certification is a firm, it shall employ at least one individual who is certified to test and who is in responsible charge of the firm's testing activities. If the firm loses its certified individual, the certification automatically lapses and is void until the firm has notified the Department of employment of another certified individual. Within 5 days' the firm shall notify the Department in writing when it loses its certified individual. **Each testing firm employee, after the first initial testing firm employee, will be charged a fee as set forth in Appendix A (relating to radon certification fee schedule).**

\* \* \* \* \*

#### § 240.103. Radon testing application contents.

An application for radon testing certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and **[ shall ] must** contain:

\* \* \* \* \*

(2) A nonrefundable fee **[ of \$200 for individuals, \$500 for firms ] as set forth in Appendix A (relating to radon certification fee schedule).**

### § 240.104. Application filing deadline.

A person who expects to conduct radon testing shall file a complete application for certification a minimum of 30 days prior to the anticipated starting date of testing activity **and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).**

#### CERTIFICATION FOR RADON MITIGATION

### § 240.113. Radon mitigation application contents.

An application for radon mitigation certification, by both individual and firm, shall be submitted to the Department in writing on forms provided by the Department and **[ shall ] must** contain:

\* \* \* \* \*

(2) A nonrefundable fee **[ of \$200 for individuals, \$500 for firms ] as set forth in Appendix A (relating to radon certification fee schedule).**

\* \* \* \* \*

#### CERTIFICATION FOR RADON LABORATORY

### § 240.124. Application filing deadline.

A person who anticipates performing laboratory analysis of samples to determine radon concentrations shall file a complete application for laboratory analysis certification a minimum of 30 days prior to the anticipated starting date of laboratory analysis **and any application postmarked after the certification expiration date will be charged a late application fee as set forth in Appendix A (relating to radon certification fee schedule).**

#### Subchapter D. OPERATION REQUIREMENTS

### § 240.303. Reporting of information.

(a) Within 45 days after testing, mitigation or other radon-related service is provided, the person providing the service shall submit to the Department in a format approved by the Department the results of testing, including screening measurements, follow-up measurements, premitigation measurements, postmitigation measurements and the method used to mitigate against radon contamination. **If no testing, mitigation or radon-related service has been provided during this 45-day period that person shall inform the Department of same in writing. Anyone required to provide this 45-day reporting who does not report within 90 days of the completion of the activity will be subject to the Late 45-Day Reporting Fee as set forth in Appendix A (relating to radon certification fee schedule).** At a minimum, these results will be retained for 2 years. The information **[ shall ] must** include:

\* \* \* \* \*

### § 240.306. Continuing education program.

A person conducting radon-related activities shall have a radon education program to assure that the applicant

and all employees have a minimum of 4 hours initial training, and the certified person shall participate in a continuing education program consisting of a minimum of 8 hours of Department-approved courses or seminars on radon testing or mitigation each year. **Course providers are required to submit course information as requested by the Department and the Course Provider Fee as set forth in Appendix A (relating to radon certification fee schedule) prior to Department approval of any course.**

(Editor's Note: The following table is new and printed in regular text to enhance readability.)

#### APPENDIX A

##### Radon Certification Fee Schedule

|                                |                         |
|--------------------------------|-------------------------|
| Testing Individual             | \$350 every 2 years     |
| Testing Employee               | \$100 every 2 years     |
| Testing Firm                   | \$700 every 2 years     |
| Mitigation Individual          | \$300 every 2 years     |
| Mitigation Firm                | \$700 every 2 years     |
| Laboratory Individual          | \$400 every 2 years     |
| Laboratory Firm                | \$750 every 2 years     |
| Primary Testing Device Listing | \$100 every 2 years (1) |
| Course Provider                | \$375 every 2 years (2) |
| Late Application Renewal       | \$100                   |
| Late 45-Day Reporting          | \$100 (3)               |

The Department will review the adequacy of the fees established in this schedule at least once every 3 years and provide a written report to the EQB. The report must identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and must contain recommendations to increase fees to eliminate the disparity, including recommendations for regulatory amendments to increase program fees.

(1) Primary radon testers shall submit the Primary Testing Device Fee as specified in the Radon Certification Fee Schedule for each device they read or analyze, or both.

(2) A person approved by the Department to provide initial or continuing, or both, education courses shall submit the Course Provider Fee as specified in this appendix.

(3) Anyone not submitting the required 45-day testing or mitigation, or both, reporting within 90 days of the completion of the testing or mitigation, or both, activity (or if no activities have been performed during this period of informing the Department of same in writing) will be subject to the Late 45-Day Reporting Fee as specified in this appendix.

[Pa.B. Doc. No. 08-445. Filed for public inspection March 14, 2008, 9:00 a.m.]

# LOBBYING DISCLOSURE REGULATIONS COMMITTEE

[ 51 PA. CODE CHS. 31, 33, 35, 37, 39, 41, 43, 45,  
51, 53, 55, 57, 59 AND 65 ]

## Lobbying Disclosure

The Lobbying Disclosure Regulations Committee (Committee) published a proposed rulemaking at 38 Pa.B. 435, 445—466 on January 19, 2008. On page 444 of the Preamble to the proposed rulemaking, an inadvertent typographical error appeared in the first sentence of the Regulatory Review Act Requirements stating that the Committee submitted a copy of the proposed rulemaking and the Regulatory Analysis Form to Chairpersons of the House State Government Committee on January 9, 2008. In fact, on January 9, 2008, the Committee submitted a copy of the proposed rulemaking and the Regulatory Analysis Form to the Chairpersons of the House Judiciary Committee (the appropriately designated committee). The documents were also submitted to the Independent Regulatory Review Commission and the Chairpersons of the Senate State Government Committee as noted in the January 19, 2008, publication.

ROBERT A. MULLE,  
*Chairperson*

[Pa.B. Doc. No. 08-446. Filed for public inspection March 14, 2008, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 4, 2008.

### BANKING INSTITUTIONS

#### Charter Applications

| <i>Date</i> | <i>Name of Bank</i>                         | <i>Location</i>                               | <i>Action</i>           |
|-------------|---|---|-------------------------|
| 2-22-2008   | Monument Bank<br>Doylestown<br>Bucks County | 573 North Main Street<br>Doylestown, PA 18901 | Commenced<br>Operations |

#### Section 112 Applications

| <i>Date</i> | <i>Name of Corporation</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 3-4-2008    | Black River Bancventure, Inc.,<br>Memphis, TN, to acquire up to 15.0%<br>of Allegiance Bank of North America,<br>Bala Cynwyd, PA   | Memphis, TN     | Approved      |
| 3-4-2008    | Toronto-Dominion Bank, Toronto,<br>Canada, and its subsidiaries TD US<br>P & C Holdings ULC, Calgary,<br>Canada, Cardinal Top Co., New York,<br>NY, and Cardinal Intermediate Co.,<br>New York, NY, to acquire up to 14.6%<br>of Pennsylvania Commerce Bancorp,<br>Inc., Harrisburg, PA, and thereby<br>indirectly acquire an interest in<br>Commerce Bank/Harrisburg, National<br>Association, Harrisburg, PA | Toronto, Canada | Approved      |

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name of Corporation</i>   | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-29-2008   | First Priority Financial Corp.,<br>Malvern, to acquire 100% of Prestige<br>Community Bank, Newtown   | Malvern         | Effective     |
| 3-4-2008    | Toronto-Dominion Bank, Toronto,<br>Canada, and its subsidiaries TD US<br>P & C Holdings ULC, Calgary,<br>Canada, Cardinal Top Co., New York,<br>NY, and Cardinal Intermediate Co.,<br>New York, NY, to acquire 100% of<br>Commerce Bancorp, Inc., Cherry Hill,<br>NJ, and thereby indirectly acquire<br>Commerce Bank, National Association,<br>Philadelphia, PA | Toronto, Canada | Approved      |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-29-2008   | First Priority Bank, Malvern, and<br>Prestige Community Bank, Newtown<br>Surviving Institution: First Priority<br>Bank, Malvern | Malvern         | Effective     |

As a result of the merger, all branch offices of Prestige Community Bank have become branch offices of First Priority Bank, including the former main office located at:

104 Pheasant Run  
Newtown  
Bucks County

**Branch Applications**

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 2-26-2008   | Peoples State Bank of Wyalusing<br>Wyalusing<br>Bradford County | Colonial Drive and Edward Road<br>North Towanda Township<br>Bradford County  | Filed         |
| 2-28-2008   | First Commonwealth Bank<br>Indiana<br>Indiana County            | Cranberry Promenade<br>Route 19 North<br>Cranberry Township<br>Butler County | Filed         |
| 2-28-2008   | First Commonwealth Bank<br>Indiana<br>Indiana County            | Butler Crossing<br>Route 356<br>Butler<br>Butler County                      | Filed         |
| 3-3-2008    | CNB Bank<br>Clearfield<br>Clearfield County                     | 5739 Buffalo Road<br>Erie<br>Erie County                                     | Filed         |

**Branch Consolidations**

| <i>Date</i> | <i>Name of Bank</i>                                     | <i>Location</i>  | <i>Action</i> |
|-------------|---|--|---------------|
| 2-25-2008   | AmeriServ Financial Bank<br>Johnstown<br>Cambria County | <i>Into:</i> 179 Lovell Avenue<br>Ebensburg<br>Cambria County<br><br><i>From:</i> 104 South Center Street<br>Ebensburg<br>Cambria County | Effective     |

**Articles of Amendment**

| <i>Date</i> | <i>Name of Bank</i>                         | <i>Purpose</i>  | <i>Action</i> |
|-------------|---|---|---------------|
| 3-3-2008    | Leesport Bank<br>Wyomissing<br>Berks County | Amendment to Article 1 of the Articles of Incorporation provides for a change of the name of the institution from "Leesport Bank" to "VIST Bank." | Effective     |

**SAVINGS INSTITUTIONS****No activity.****CREDIT UNIONS****Consolidations, Mergers and Absorptions**

| <i>Date</i> | <i>Name of Credit Union</i>  | <i>Location</i> | <i>Action</i> |
|-------------|--|-----------------|---------------|
| 2-29-2008   | TruMark Financial Credit Union,<br>Trevose, and Local 98 IBEW Federal<br>Credit Union, Philadelphia<br>Surviving Credit Union: TruMark<br>Financial Credit Union, Trevose                          | Trevose         | Effective     |
| 3-1-2008    | Pennsylvania State Employees Credit<br>Union, Harrisburg, and Rite Aid<br>Employees Credit Union, Camp Hill<br>Surviving Credit Union: Pennsylvania<br>State Employees Credit Union,<br>Harrisburg | Harrisburg      | Effective     |

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-447. Filed for public inspection March 14, 2008, 9:00 a.m.]



### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of April 2008

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), hereby determines that the maximum lawful rate of interest for residential mortgages for the month of April, 2008, is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as the principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.12 to which was added 2.50 percentage points for a total of 6.62 that by law is rounded off to the nearest quarter at 6 3/4%

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-448. Filed for public inspection March 14, 2008, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan; 2007 Annual Performance and Evaluation Report

The Department of Community and Economic Development (Department) is preparing its Consolidated Annual Performance and Evaluation Report (CAPER) on the progress and accomplishments made during 2007 in implementing the Commonwealth's Consolidated Plan for Federal Fiscal Years 2004-2008. This document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth and organizations within this Commonwealth to receive funding under most HUD housing and community development programs. The Consolidated Plan creates a unified strategy for housing and community development programs, as well as the necessary linkages for building successful neighborhoods and communities.

The Commonwealth has allocated funds under several programs, namely: Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter

Grant and Housing Opportunities for Persons with AIDS. The CAPER discusses accomplishments in relation to goals and objectives identified in the Action Plan of the Consolidated Plan.

The CAPER assesses the goals and objectives of this strategic plan; how the Commonwealth is affirmatively furthering fair and affordable housing; the activities of the Continuum of Care; as well as how resources in community development and housing are being leveraged.

Individuals or organizations may provide written comments regarding the CAPER. The report will be available for review at [www.newpa.com](http://www.newpa.com) or for more information, call (717) 787-5327. Comments will be accepted about funded activities, community development, housing, the content of the CAPER and the process by which public input is gathered. The Commonwealth encourages public participation in this process.

Written comments will be accepted until 5 p.m. on March 28, 2008, and should be sent to Lauren Atwell, Department of Community and Economic Development, Center for Community Development, Office of Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

DENNIS YABLONSKY,  
*Secretary*

[Pa.B. Doc. No. 08-449. Filed for public inspection March 14, 2008, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 26, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERADINIS,  
*Secretary*

[Pa.B. Doc. No. 08-450. Filed for public inspection March 14, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>                            |
|-----------------|-------------------------|--|
| Section I       | NPDES                   | Renewals   |
| Section II      | NPDES                   | New or amendment   |
| Section III     | WQM                     | Industrial, sewage or animal waste; discharge into groundwater |
| Section IV      | NPDES                   | MS4 individual permit  |
| Section V       | NPDES                   | MS4 permit waiver  |
| Section VI      | NPDES                   | Individual permit stormwater construction                      |
| Section VII     | NPDES                   | NOI for coverage under NPDES general permits                   |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### I. NPDES Renewal Applications

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0040932<br>(Minor Sewage) | Northwestern Lehigh School<br>District<br>Weisenberg Elementary School<br>6493 Route 309<br>New Tripoli, PA 18066 | Lehigh County<br>Weisenberg Township | UNT to Lyon Creek<br>2C              | Y                           |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>           | <i>Stream Name<br/>(Watershed #)</i>  | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--|---------------------------------------|-----------------------------|
| PA0064297<br>(Municipal)    | Borough of Portland<br>WWTP<br>P. O. Box 476<br>Portland, PA 18351               | Northampton County<br>Borough of Portland      | Delaware River<br>1F                  | Y                           |
| PA0061646                   | Pennsylvania American Water<br>100 Pennsylvania Avenue<br>Wilkes-Barre, PA 18701 | Roaring Brook<br>Township<br>Lackawanna County | Stafford Meadow Brook<br>5A<br>HQ-CWF | Y                           |

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>       | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--|-----------------------------|
| PA0087769<br>(GWCU)         | Texas Eastern Transmission, LP<br>Shermans Dale Compressor<br>Station<br>5400 Westheimer Court<br>Houston, TX 77056 | Perry County<br>Carroll Township     | Shermans Creek<br>7-A                      | Y                           |
| PA0087866<br>(GWCU)         | Texas Eastern Transmission, LP<br>Entriiken Compressor Station<br>5400 Westheimer Court<br>Houston, TX 77056        | Huntingdon County<br>Todd Township   | UNT Great Trough<br>Creek<br>11-D          | Y                           |
| PA0247189<br>(CAFO)         | Country View Family Farms,<br>LLC<br>6360 Flank Drive<br>Suite 100<br>Harrisburg, PA 17112-2766                     | Franklin County<br>Metal Township    | West Branch<br>Conococheague Creek<br>13-C | Y                           |
| PA0085537<br>(IW)           | Altoona City Authority<br>20 Greenwood Road<br>Altoona, PA 16602-7114   | Blair County<br>Antis Township       | Tipton Run<br>11-A                         | Y                           |

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0228508<br>(Municipal)    | Huston Township Authority<br>Julian Wastewater Treatment<br>Plant<br>P. O. Box 40<br>Julian, PA 16844 | Centre County<br>Huston Township     | Bald Eagle Creek<br>SWP 9C           | Y                           |

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0238872                   | West Wind Village<br>Mobile Home Park<br>Route 65 N<br>Ellwood City, PA 16117       | Wayne Township<br>Lawrence County    | UNT to Squaw Run<br>20-C             | Y                           |
| PA0222429                   | Pilot Travel Centers, LLC<br>5508 Lonas Road<br>Knoxville, TN 37909                 | Muddycreek Township<br>Butler County | Muddy Creek<br>20-C                  | Y                           |
| PA0240125                   | Pulaski Township<br>Municipal Authority<br>R. D. 1<br>Box 1043<br>Pulaski, PA 16143 | Pulaski Township<br>Lawrence County  | Deer Creek<br>20-A                   | Y                           |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>   | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--|-----------------------------|
| PA0238945                   | Pulaski Township Municipal<br>Authority<br>R. D. 1<br>Box 1043<br>Pulaski, PA 16143 | Pulaski Township<br>Lawrence County  | Deer Creek<br>New Bedford (STP) and<br>into the Shenango<br>River<br>Pulaski STP<br>20-A | Y                           |
| PA0103632                   | Piney Creek Limited<br>Partnership<br>428 Power Lane<br>Clarion, PA 16214           | Piney Township<br>Clarion County     | Piney Creek<br>17-B  | Y                           |

## II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

*Southeast Region: Water Management Program Manager; 2 East Main Street, Norristown, PA 19401.*

**PA0054909**, Industrial Waste, SIC 4941, **North Penn and North Wales Water Authorities**, P. O. Box 317, Chalfont, PA 18914-0317. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Activity: The transfer and discharge of untreated Delaware River water to the North Branch Neshaminy Creek by means of the Bradshaw Reservoir.

The receiving stream, North Branch Neshaminy Creek is in the State Water Plan Watershed 2F—Neshaminy Creek and is classified for: WWF. The nearest downstream public water supply intake for North Penn and North Wales Water Authorities is located on North Branch Neshaminy Creek.

The following notice reflects changes to the notice published at 38 Pa.B. 1046 (March 1, 2008).

The proposed effluent limits for Outfall 001 are based on a design flow of 22 mgd.

| <i>Parameter</i>                   | <i>Mass (lbs/day)</i>      |   | <i>Concentration (mg/l)</i>     |                          | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------------------|----------------------------|---|---------------------------------|--------------------------|---|
|                                    | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i>                                | <i>Average<br/>Monthly</i>      | <i>Maximum<br/>Daily</i> |   |
| Dissolved Oxygen<br>(2-15 to 7-31) |                            |   | 5.0<br>Instantaneous<br>Minimum | 6.0<br>Daily Minimum     |   |
| (8-1 to 2-14)                      |                            |   | 4.0<br>Instantaneous<br>Minimum | 5.0<br>Daily Minimum     |   |
| Temperature                        |                            |   |                                 |                          | Monitor                                 |
| pH                                 |                            | Within limits of 6.0 to 9.0 Standard Units at all times |                                 |                          |   |
| Fecal Coliform                     |                            | 200 colonies/100 ml as a Geometric Mean                 |                                 |                          |   |
| Total Phosphorus as P              |                            |   | Monitor                         |                          |   |
| Orthophosphate as P                |                            |   | Monitor                         |                          |   |
| Total Kjeldahl Nitrogen            |                            |   | Monitor                         |                          |   |
| Ammonia as N                       |                            |   | Monitor                         |                          |   |
| Nitrite + Nitrate as N             |                            |   | Monitor                         |                          |   |

In addition to the effluent limits, the permit contains the following major special conditions:

1. No Chemical Additives without Prior Approval.
2. Dissolved Oxygen Requirements.
3. Continuous Monitoring/Alternative Monitoring Requirements.
4. Aquatic Biology Assessment.

**PA0058572**, Sewage, **Penn Township**, 260 Lewis Road, West Grove, PA 19390. This existing facility is located in Penn Township, **Chester County**.

Description of Proposed Activity: This NPDES application is for renewal of the Penn Township sewage treatment plant.

The receiving stream, a UNT to East Branch Big Elk Creek is in the State Water Plan Watershed 7K, within the Chesapeake Bay Watershed, and is classified for: HQ-TSF, MF. There are no public water supply intakes identified downstream. This facility is a Phase 4 discharger as described in Pennsylvania's Chesapeake Bay Tributary Strategy.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.35 mgd.

| <i>Parameters</i>      | <i>Mass (lbs/day)</i>      |                           | <i>Concentration (mg/l)</i> |                           | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|----------------------------|---------------------------|-----------------------------|---------------------------|---|
|                        | <i>Monthly<br/>Average</i> | <i>Weekly<br/>Average</i> | <i>Monthly<br/>Average</i>  | <i>Weekly<br/>Average</i> |   |
| CBOD <sub>5</sub>      | 29.2                       |                           | 10                          |                           | 20                                      |
| Total Suspended Solids | 29.2                       |                           | 10                          |                           | 20                                      |

| <i>Parameters</i>              | <i>Mass (lbs/day)</i>      |                           | <i>Concentration (mg/l)</i> |                           | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|--------------------------------|----------------------------|---------------------------|-----------------------------|---------------------------|---|
|                                | <i>Monthly<br/>Average</i> | <i>Weekly<br/>Average</i> | <i>Monthly<br/>Average</i>  | <i>Weekly<br/>Average</i> |   |
| Ammonia as N<br>(5-1 to 10-30) | 4.4                        |                           | 1.5                         |                           | 3.0                                     |
| (11-1 to 4-30)                 | 13.1                       |                           | 4.5                         |                           | 9.0                                     |
| Phosphorus as P                | Monitor and<br>Report      |                           | 1.0                         |                           | 2.0                                     |
| Fecal Coliform                 |                            |                           | 200/100 ml                  |                           | 1,000/100 ml                            |
| Dissolved Oxygen               |                            |                           | 6.0 (Minimum)               |                           |   |
| pH (Standard Units)            |                            |                           | 6.0 (Minimum)               |                           | 9.0                                     |

As a Phase 4 discharger, the following monitoring requirements are proposed for Outfall 001 for Total Nitrogen (TN) and Total Phosphorus (TP) for 2 years, as part of this permit renewal for the purpose of data collection to establish existing performance for TN and TP effluent quality:

| <i>Parameters</i>    | <i>Mass (lbs/day)</i> |               | <i>Concentration (mg/l)</i> |                            |                |
|----------------------|-----------------------|---------------|-----------------------------|----------------------------|----------------|
|                      | <i>Monthly</i>        | <i>Annual</i> | <i>Minimum</i>              | <i>Monthly<br/>Average</i> | <i>Maximum</i> |
| Ammonia as N         | see above             | Report        |                             | see above                  |                |
| Kjeldahl-N           | Report                |               |                             | Report                     |                |
| Nitrate-Nitrite as N | Report                |               |                             | Report                     |                |
| Total Nitrogen       | Report                | Report        |                             | Report                     |                |
| Total Phosphorus     | see above             | Report        |                             | see above                  |                |

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Remedial Measures if Unsatisfactory Effluent.
3. No Stormwater.
4. Acquire Necessary Property Rights.
5. Change of Ownership.
6. Sludge Disposal Requirement.
7. Discharge Monitoring Report.
8. Certified Operator.
9. Instantaneous Max Limits.
10. Fecal Coliform I-max Reporting.
11. Laboratory Certification.
12. Operations and Maintenance Plan.

**PA0054917**, Sewage, **Uwchlan Township Municipal Authority**, 715 North Ship Road, Exton, PA 19341-1940. This existing facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Activity: This application is for the renewal of a NPDES permit for an existing discharge of treated sewage from the Uwchlan Township Eagleview sewage treatment plant. This renewal will also reflect an application to transfer the permit from Uwchlan Township to Uwchlan Township Municipal Authority.

The receiving stream, Shamona Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-TSF, MF. The nearest downstream public water supply existing or proposed is a future Downingtown water filtration plant located on East Brandywine Creek, approximately 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on an annual average flow of 0.475 mgd.

| <i>Parameters</i>                       | <i>Mass (lbs/day)</i>      |                           | <i>Concentration (mg/l)</i>    |                           | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|---|----------------------------|---------------------------|--------------------------------|---------------------------|---|
|   | <i>Monthly<br/>Average</i> | <i>Weekly<br/>Average</i> | <i>Monthly<br/>Average</i>     | <i>Weekly<br/>Average</i> |   |
| CBOD <sub>5</sub><br>(5-1 to 10-31)     | 23.4                       | 35                        | 6                              | 9                         | 12                                      |
| (11-1 to 4-30)                          | 46.8                       | 70                        | 12                             | 18                        | 24                                      |
| Total Suspended Solids                  | 79.2                       | 118.8                     | 20                             | 30                        | 40                                      |
| Ammonia as N<br>(5-1 to 10-30)          | 3.1                        |                           | 0.8                            |                           | 1.6                                     |
| (11-1 to 4-30)                          | 9.3                        |                           | 2.4                            |                           | 4.8                                     |
| Fecal Coliform                          |                            |                           | 200/100 ml<br>(Geometric Mean) |                           | 1,000/100 ml                            |
| Dissolved Oxygen                        |                            |                           | 6.0 (Minimum)                  |                           |   |
| pH (Standard Units)                     |                            |                           | 6.0 (Minimum)                  |                           | 9.0                                     |
| Total Phosphorus as P<br>(4-1 to 10-30) | 3.1                        |                           | 0.8                            |                           | 1.6                                     |
| (11-1 to 03-31)                         | 6.2                        |                           | 1.6                            |                           | 3.2                                     |
| Total Nitrogen                          | Monitor and<br>Report      |                           | Monitor and Re-<br>port        |                           |   |

In addition to the effluent limits, the permit contains the following major special conditions:

1. Notification of Designation of Operator.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream.
7. Sludge Disposal Requirement.
8. Imax Requirements.
9. UV Disinfection Reopener If Alternate Installed.
10. Change of Ownership.
11. Certified Operator.
12. Fecal Coliform I-max Reporting.
13. Laboratory Certification.
14. Operations and Maintenance Plan.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA0008281, Amendment No. 1**, Industrial Waste, Sewage and Stormwater, **PPL Brunner Island, LLC** (Brunner Island Steam Electric Station), Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. This facility is located in East Manchester Township, **York County**.

Description of activity: The Department of Environmental Protection, Southcentral Regional Office Water Management Program, is proposing to amend NPDES Permit No. PA0008281 to include a new outfall for the discharge of treated wastewater generated by two flue gas desulfurization (scrubber) towers. A new industrial wastewater treatment plant will be constructed to treat the wastewater.

The receiving streams, Susquehanna River, Conewago Creek and Hartman Run, are in Watersheds 7-F and 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 10 miles downstream.

The proposed effluent limits for Outfall 007 (scrubber wastewater) for a design flow of 0.52 mgd are:

| <i>Parameter</i>       | <i>Average<br/>Monthly</i>             | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
|------------------------|--|--------------------------|----------------------------------|
| pH                     | 6.0 to 9.0 Standard Units at all times |                          |                                  |
| Total Suspended Solids | 30                                     | 100                      | 100                              |
| Oil and Grease         | 15                                     | 20                       | 30                               |
| Total Copper           | 0.45                                   | 0.9                      | 1.1                              |
| Total Lead             | 0.4                                    | 0.8                      | 1.0                              |

Monitoring requirements are proposed for Temperature, Total Phosphorus, Total Kjeldahl Nitrogen, Nitrate and Nitrite-Nitrogen, Total Nitrogen, Total Aluminum, Total Antimony, Total Arsenic, Total Boron, Total Cadmium, Total Chromium, Total Iron, Total Mercury, Total Molybdenum, Total Nickel, Total Selenium, Total Thallium, Total Zinc, Chloride and Fluoride. In addition, an annual mass limitation for Total Phosphorus is proposed.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

**Application No. PA 0055352**, Sewage, **Berks Properties**, 2520 Egypt Road, Norristown, PA 19403. This facility is located in Hereford Township, **Berks County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, West Branch of Perkiomen Creek, is in Watershed 3-E, and classified for exceptional value, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on the Green Lane Reservoir, approximately 15 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.014 mgd are:

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i> | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------|----------------------------------|---|
| CBOD <sub>5</sub>       | 25                                | XXX                              | 50                                      |
| Total Suspended Solids  | 30                                | XXX                              | 60                                      |
| NH <sub>3</sub> -N      | 20                                | XXX                              | 40                                      |
| Total Residual Chlorine | 0.5                               | XXX                              | 1.64                                    |
| Total Phosphorus        | 0.5                               | XXX                              | 1.0                                     |
| Dissolved Oxygen        | Minimum of 5.0 at all times       |                                  |   |
| pH                      | From 6.0 to 9.0 inclusive         |                                  |   |

| <i>Parameter</i>                                  | <i>Average<br/>Monthly (mg/l)</i>  | <i>Average<br/>Weekly (mg/l)</i>      | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|---|--|---------------------------------------|---|
| Fecal Coliform<br>(5-1 to 9-30)<br>(10-1 to 4-30) | 200/100 ml as a Geometric Average<br>2,000/100 ml as a Geometric Average |                                       |   |
| <i>Green Lane TMDL Requirements</i>               |  |                                       |   |
|   | <i>Concentration (mg/l)<br/>Monthly Average</i>                          | <i>Mass (lbs)<br/>Average Monthly</i> |   |
| Total Phosphorus                                  | 0.5  | 0.059                                 |   |

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

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*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**PA0004278**, Industrial Waste, SIC 3295, **Lafarge North America, Inc.**, 555 Frost Road, Suite 100, Streetsboro, OH 44241. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the from the Duquesne Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Thompson Run classified as a WWF with existing and/or potential uses for aquatic life and recreation. The first existing/proposed downstream potable water supply is PA American Water Company, located at 410 Cooke Lane, Pittsburgh, PA 15234, 10.1 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.2376 mgd (Interim limits from wetlands treatment system).*

| <i>Parameter</i> | <i>Mass (lbs/day)</i>                  |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|--|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i>             | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)       | Monitor and Report                     |                          |                             |                          |                                  |
| Suspended Solids |  |                          | 35                          | 70                       |                                  |
| Aluminum         |  |                          |                             | Monitor and Report       |                                  |
| Iron             |  |                          | 3.0                         | 6.0                      |                                  |
| Manganese        |  |                          | 2.0                         | 4.0                      |                                  |
| Nickel           |  |                          |                             | Monitor and Report       |                                  |
| pH               | not less than 6.0 nor greater than 9.0 |                          |                             |                          |                                  |

*Outfall 001: existing discharge, design flow of 0.2376 mgd (Final limits from wetlands treatment system).*

| <i>Parameter</i> | <i>Mass (lbs/day)</i>                  |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|--|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i>             | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)       | Monitor and Report                     |                          |                             |                          |                                  |
| Suspended Solids |  |                          | 35                          | 70                       | 88                               |
| Aluminum         |  |                          | 0.5                         | 1.0                      | 1.25                             |
| Iron             |  |                          | 1.56                        | 3.12                     | 3.9                              |
| Manganese        |  |                          | 2.0                         | 4.0                      | 5.0                              |
| Nickel           |  |                          | 0.054                       | 0.108                    | 0.135                            |
| pH               | not less than 6.0 nor greater than 9.0 |                          |                             |                          |                                  |

*Outfalls 002 and 003: stormwater discharge.*

| <i>Parameter</i> | <i>Mass (lbs/day)</i>      |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Suspended Solids |                            |                          |                             | Monitor and Report       |                                  |
| Oil and Grease   |                            |                          |                             | Monitor and Report       |                                  |
| Aluminum         |                            |                          |                             | Monitor and Report       |                                  |
| Iron             |                            |                          |                             | Monitor and Report       |                                  |
| Manganese        |                            |                          |                             | Monitor and Report       |                                  |
| Nickel           |                            |                          |                             | Monitor and Report       |                                  |
| pH               |                            |                          |                             | Monitor and Report       |                                  |

*Outfall 004:* existing discharge, design flow of 0.2376 mgd. Limits for the "Reserve Mine Drainage Treatment Facility."

| <i>Parameter</i> | <i>Mass (lbs/day)</i>                  |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|--|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i>             | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Flow (mgd)       | Monitor and Report                     |                          |                             |                          |                                  |
| Suspended Solids |  |                          | 35                          | 70                       | 88                               |
| Aluminum         |  |                          | 0.5                         | 1.0                      | 1.25                             |
| Iron             |  |                          | 1.56                        | 3.12                     | 3.9                              |
| Manganese        |  |                          | 2.0                         | 4.0                      | 5.0                              |
| Nickel           |  |                          | 0.054                       | 0.108                    | 0.135                            |
| pH               | not less than 6.0 nor greater than 9.0 |                          |                             |                          |                                  |

The EPA waiver is in effect.

**PA0095737**, Industrial Waste, SIC 3317, **Alliance Tubular Products Co.**, Copperleaf Corporate Centre, 6051 Wallace Road Ext., Suite 200, Wexford, PA 15090. This application is for renewal of an NPDES permit to discharge untreated stormwater from the Darlington Plant in Darlington Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, North Fork of Little Beaver Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the City of East Liverpool Ohio's intake, located on the Ohio River, 15 miles below the discharge point.

*Outfall 001:* existing discharge of stormwater.

| <i>Parameter</i> | <i>Mass (lbs/day)</i>      |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                  | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Zinc             |                            |                          |                             |                          |                                  |
|                  | Monitor and Report         |                          |                             |                          |                                  |

Other Conditions: Residual waste disposal, floating materials control, stormwater controls and a Stormwater Pollution Prevention Plan.

The EPA waiver is in effect.

*Outfall 002:* existing discharge of stormwater.

| <i>Parameter</i>             | <i>Mass (lbs/day)</i>      |                          | <i>Concentration (mg/l)</i> |                          |                                  |
|------------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|----------------------------------|
|                              | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| Total Suspended Solids       |                            |                          |                             |                          |                                  |
| Nitrate and Nitrite Nitrogen |                            |                          |                             |                          |                                  |
| Zinc                         |                            |                          |                             |                          |                                  |
|                              | Monitor and Report         |                          |                             |                          |                                  |
|                              | Monitor and Report         |                          |                             |                          |                                  |
|                              | Monitor and Report         |                          |                             |                          |                                  |

**PA0026913**, Sewage, **The Municipal Authority of the City of McKeesport**, 100 Atlantic Avenue, McKeesport, PA 15132. This application is for renewal of an NPDES permit to discharge treated sewage from McKeesport Water Pollution Control Plant in the City of McKeesport, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Pa. American Water Company.

*Outfall 001:* existing discharge, design flow of 11.5 mgd.

| <i>Parameter</i>                | <i>Concentration (mg/l)</i>            |                           |                          |                                  |
|---------------------------------|--|---------------------------|--------------------------|----------------------------------|
|                                 | <i>Average<br/>Monthly</i>             | <i>Average<br/>Weekly</i> | <i>Maximum<br/>Daily</i> | <i>Instantaneous<br/>Maximum</i> |
| CBOD <sub>5</sub>               | 25                                     | 38                        |                          | 50                               |
| Suspended Solids                | 30                                     | 45                        |                          | 60                               |
| Fecal Coliform<br>(5-1 to 9-30) | 200/100 ml as a Geometric Mean         |                           |                          |                                  |
| (10-1 to 4-30)                  | 2,000/100 ml as a Geometric Mean       |                           |                          |                                  |
| Total Residual Chlorine         | 0.5                                    |                           |                          | 1.6                              |
| pH                              | not less than 6.0 nor greater than 9.0 |                           |                          |                                  |

Other Conditions: The Authority is authorized to discharge thru various combined sewer overflows.

The EPA waiver is not in effect.



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**III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)**


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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5408401**, Sewerage, **Wayne Township Municipal Authority**, P. O. Box 97, Friedensburg, PA 17933. This proposed facility is located in Wayne Township, **Schuylkill County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a sanitary sewage collection system to service the 443-Long Run Corridor in Wayne Township.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 5508401**, Sewerage, SIC 4952, **Spring Township Municipal Authority**, P. O. Box 133, Beaver Springs, PA 17812. This proposed facility is located in Spring Township, **Snyder County**.

Description of Proposed Action/Activity: The applicant proposes several renovations to the existing sewage treatment facilities in Spring Township, Snyder County. The renovations include repainting the plant as well as the addition of a 79,000 gallon sludge digestion tank to increase the sludge digestion capacity of the facility. The existing sludge digestion tanks will be modified and used as additional aeration capacity for the treatment process.

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**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**


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**V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**


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**VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**


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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i>        |
|-------------------------|---|---------------|-----------------------|-----------------------------------|
| PAI032108004            | Continuum Investments, LLC<br>Mike Silva<br>640 Bassett Drive<br>Chambersburg, PA 17201 | Cumberland    | Shippensburg Township | Middle Spring Creek CWF           |
| PAI032108003            | Lettermen, Inc.<br>Jeffrey Austin<br>716 North West Street<br>Carlisle, PA 17013        | Cumberland    | Carlisle Borough      | Letort Spring Run EV              |
| PAI032108002            | CHR Corp.<br>Tim Rutter<br>2295 Susquehanna Trail<br>Suite C<br>York, PA 17404          | Cumberland    | Middlesex Township    | Letort Spring Run HQ-CWF          |
| PAI033608002            | Joseph C. White<br>1515 Cumberland Street<br>Lebanon, PA 17046                          | Lancaster     | Rapho Township        | Shearers Creek HQ-CWF             |
| PAI033807002            | Lebanon Church of the Brethren<br>400 Locust Street<br>Lebanon, PA 17042                | Lebanon       | Heidelberg Township   | Hammer and Cocalico Creeks HQ-CWF |
| PAI033608003            | John Zimmerman<br>Rain-Flo Irrigation<br>884 Center Church Road<br>East Earl, PA 17519  | Lancaster     | Brecknock Township    | Black Creek HQ-WWF                |

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 3.*

| <i>NPDES<br/>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>County</i>                  | <i>Municipality</i>                                  | <i>Receiving<br/>Water/Use</i>  |
|-----------------------------|---|--------------------------------|--|---|
| PAI045908001                | AES Armenia Mountain Wind,<br>LLC<br>4300 Wilson Boulevard<br>Arlington, VA 22203 | Bradford and<br>Tioga Counties | Armenia, Richmond,<br>Sullivan and Ward<br>Townships | Fellows Creek<br>CWF<br>Gaffers Creek<br>TSF<br>Corey Creek<br>CWF<br>Fall Brook<br>CWF<br>Morgan Creek<br>TSF<br>Rathbone Creek<br>CWF<br>Tioga River<br>CWF<br>South Branch Sugar<br>Creek<br>TSF<br>West Branch Sugar<br>Creek<br>TSF<br>North Branch Towanda<br>Creek<br>CWF<br>Webier Creek<br>CWF |

#### **VII. List of NOIs for NPDES and/or Other General Permit Types**

|        |   |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs)                          |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

### **PUBLIC WATER SUPPLY (PWS) PERMIT**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

#### **SAFE DRINKING WATER**

##### **MINOR AMENDMENT**

#### **Applications Received under the Pennsylvania Safe Drinking Water Act**

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

##### **Application No. 4294501-MA2, Minor Amendment.**

|                           |   |
|---------------------------|---|
| Applicant                 | <b>Pennsylvania American Water Company</b>  |
| Township or Borough       | Kane Borough<br><b>McKean County</b>  |
| Responsible Official      | William Lage<br>Project Manager<br>Pennsylvania American Water<br>2736 Ellwood Road<br>New Castle, PA 16101 |
| Type of Facility          | Public Water Supply   |
| Application Received Date | February 29, 2008   |
| Description of Action     | Installation of new chemical feed points for chlorine and caustic.  |

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Former Hospital Central Services Corporation (HCSC) Property, City of Scranton, Lackawanna County.** Dean Cruciani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found or suspected to have been impacted by volatile and semi-VOCs. The applicant proposes to remediate the site to meet the Site-Specific Standard. The current property owner intends to develop this site with a multistory modular construction apartment building with the possibility of leased retail space on the first floor. A Summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Danville Former MGP Site, Danville Borough, Montour County, PPL Services, Inc.,** 2 North 9th Street, GENTW17, Allentown, PA 18101-1179 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with polycyclic aromatic hydrocarbons and benzene, toluene, ethylbenzene and xylene. The applicant proposes to remediate the site to meet the Site-Specific Standard. The property will continue to be used as an electrical substation.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Owl Cleaners, Inc. (Wexford Plaza), Town of McCandless, Allegheny County.** Chad C. Coy, P.E., Cummings/Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235 on behalf of Louis Naugle, Reed Smith, LLP (Legal Counsel for Wexford Plaza Associates, a PA Limited Partnership), 435 Sixth Avenue, Pittsburgh, PA 15219 and Joseph Zicarelli, Owl Cleaners, Inc., 165 Northgate Drive, Warrendale, PA 15086 has submitted a Notice of Intent to Remediate. Constituents of concern associated with the Owl Cleaners, Inc. Leased property included VOCs, primary chlorinated solvents and their degradation products that have been detected in soils, groundwater and soil vapor, the chlorinated solvents their degradation products are potentially related to historical releases from former dry cleaning operations. Remediation measures may include pathway elimination and Engineering and Institutional Controls. The site will remain nonresidential.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-03055A: Advanced Metals Processing-PA, LLC** (734 Jackson Street, State College, PA 16803) for construction of a scrap nonferrous metal delacquering oven, remelting oven and ancillary equipment in Hollidaysburg Borough, **Blair County**. The source will be subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for HAPs for Secondary Aluminum Production for area sources.

**67-03148A: Industrial Polishing & Grinding, Inc.** (390 Eberts Lane, York, PA 17403) for the operation of a metal parts grinding and polishing facility in the City of York, **York County**.

**67-05112B: Kinsley Manufacturing, Inc.** (1110 East Princess Street, York, PA 17403) for construction of two portable spray paint units with dry panel filters for control of PM emissions at their steel fabrication shop (East York Facility) in Springettsbury Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**08-00002E: E. I. duPont de Nemours & Co., Inc.** (Patterson Boulevard, Towanda, PA 18848) for the construction of a corona film treater and associated air cleaning devices (two ozone decomposers) in North Towanda Township, **Bradford County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0061B: Department of Corrections—Graterford SCI** (1 Prison Road, Graterford, PA 19426) for implementation of energy efficiency modifications to the existing four high-pressure steam boilers and associated boiler plant equipment in Skippack Township, **Montgomery County**. As a result of potential emissions of NO<sub>x</sub> and SO<sub>x</sub>, the facility is a Title V facility. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0268: Colorcon, Inc.** (275 Ruth Road, Harleysville, PA 19438), for the installation of a 1,500-kW, diesel fuel-fired internal combustion engine/electric generator (generator set) at a new facility, which will be located in Lower Salford Township, **Montgomery County**. The facility will be a non-Title V facility. The operation of the generator set will be restricted to 400 full-load operating hours per year to ensure that emission into the outdoor atmosphere of NO<sub>x</sub> from the generator set does not exceed 6.66 tpy. The generator set is subject to: (1) the Standards of Performance for New Stationary Sources for Stationary Compression Ignition Internal Combustion Engines (40 CFR 60, Subpart IIII); (2) the Tier 2 emission standards specified in 40 CFR 89.112; and (3) the additional NO<sub>x</sub> requirements specified in 25 Pa. Code §§ 129.203–129.205. The plan approval will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0015H: Rohm and Haas Co.** (200 Route 413, Bristol, PA 19007) for installation of a Carbon Adsorption System to replace the existing scrubber as the control device for the wastewater treatment plant at their facility in Bristol Township, **Bucks County**. This facility is a Title V facility. This installation will not result in a net increase in emissions. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**07-05035A: Grannas Bros. Stone & Asphalt Co., Inc.** (P. O. Box 488, Hollidaysburg, PA 16648) for modification of an existing asphalt plant in Frankstown Township, **Blair County**. The modification involves the firing of waste derived liquid fuel as a fuel, in addition to No. 2

oil. Facility emissions of VOCs will be limited to less than 50 tpy and HAPs emissions are limited to less than 10 tpy for any single HAP or 25 tpy for any combination of HAPs. The State-only facility-wide operating permit will contain emission limits along with monitoring, recordkeeping and reporting conditions to ensure the facility complies with the applicable air quality requirements. The source is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities.

### OPERATING PERMITS

#### Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-05028: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, C109, Greensburg, PA 15601) for operation of two combustion turbines to be used as a peaking station in Guilford Township, **Franklin County**. The facility is subject to Title V and Title IV (Acid Rain). This permit is a renewal of the Title V and Acid Rain Permits issued in 2003.

**67-05014: The York Group, Inc.** (2880 Blackbridge Road, York, PA 17402) for operation of their wood casket manufacturing facility in Manchester Township, **York County**. The Title V Operating Permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the Title V operating permit issued in 2000.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**63-00550: USA South Hills Landfill, Inc.** (625 Cherrington Parkway, Coraopolis, PA 15108) for an Operating Permit renewal for their municipal solid waste landfill in Union Township, **Washington County**. Company operates landfill, gas control system and soil processing system at this site. The Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

#### Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**15-00095: Longwood Gardens** (410 Street Road, Kennett Square, PA 19348) for renewal of the State-only Operating Permit in East Malbourn Township, **Chester County**. The initial permit was issued on May 21, 2003. Longwood Gardens is a nonprofit business activity focused on horticulture. The primary emission sources include four diesel-fired emergency generators that are used in the event of a power interruption and three main boilers that are used to heat the greenhouses in the cool months of the year.

**09-00084: Grandview Hospital** (700 Lawn Avenue, Sellersville, PA 18960) for renewal of the State-only Operating Permit in West Rockhill Township, **Bucks County**. The initial permit was issued on January 29,

2004. The permit is for the operation of three dual fuel (that is, natural gas and No. 6 fuel oil) boilers and four diesel-fired emergency generators. The permit will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**28-03025: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) for operation of the Wenger's Feed Mill in Shippensburg, **Franklin County**. This action is a renewal of the State-only operating permit issued in 2003.

**38-03032: Sun Pipe Line Co.** (Ten Penn Center, 20th Floor, Philadelphia, PA 19013) for operation of the Sun Pipe Line Company in Cornwall Pump Station, **Lebanon County**. This action is a renewal of the State-only operating permit issued in 2003.

**38-03034: Heart of My Heart Final Pet Arrangements** (49 Pleasant View Road, Grantville, PA 17028) for operation of a pet cremation chamber in East Hanover Township, **Lebanon County**. This is a renewal of the facility's operating permit issued in 2003.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.*

**10-00309: Multiserv—C/O A. K. Steel** (Route 8 South, Butler, PA 16001) for re-issuance of natural minor permit to operate a slag and scrap processing plant in Butler Township, **Butler County**. The major sources included: 1) Slag Processing Plant; 2) Screens; 3) Generators (80 HP Deultz, 150 HP Cummings) and; 4) Ferro Cut Torch.

**33-00025: Punxsutawney Area Hospital** (81 Hillcrest Drive, Punxsutawney, PA 15767) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of a two dual-fired boilers rated at 10.5 mmBtu/hr each and an emergency generator in Young Township, **Jefferson County**.

**43-00010: Jamestown Paint Co.** (108 Main Street, Jamestown, PA 16134) to re-issue a Natural Minor Operating Permit in the Borough of Jamestown, **Mercer County**. The facility's primary emissions are from the storage and processing of VOCs used in the paint making process.

**43-00329: White Rock Silica Sand Co., Inc.** (331 Methodist Road, Greenville, PA 16125) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of a 125 ton/hour stone crushing and sizing operation and a 565-kW diesel generator in Hempfield Township, **Mercer County**.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam

Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of an application is available for inspection at the district mining office indicated before an application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the district mining office indicated before an application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on dis-

charge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

**Effluent Limits**—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

| <i>Parameter</i>                             | <i>30-Day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|--|---------------------------|---------------------------------|----------------------------------|
| Iron (total)                                 | 3.0 mg/l                  | 6.0 mg/l                        | 7.0 mg/l                         |
| Manganese (total)                            | 2.0 mg/l                  | 4.0 mg/l                        | 5.0 mg/l                         |
| Suspended solids                             | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| pH <sup>1</sup>                              |                           | greater than 6.0; less than 9.0 |                                  |
| Alkalinity greater than acidity <sup>1</sup> |                           |                                 |                                  |

<sup>1</sup>The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

*California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.*

**Permit Number 03031302 and NPDES Permit No. PA0235598, TJS Mining, Inc.,** (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the TJS No. 5 Deep Mine in South Bend Township, **Armstrong County** and Armstrong and Young Townships, **Indiana County** to add underground and subsidence control plan area acres to the permit. Underground Acres Proposed 1,933.8, Subsidence Control Plan Acres Proposed 1,509.5. No additional discharges. Application received January 28, 2008.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32990109 and NPDES No. PA0235148. Walter L. Houser Coal Company, Inc.,** 12968 US Route 422, Kittanning, PA 16201, revision of an existing bituminous surface and auger mine to add 3.0 acres of auger mining.

Total SMP acres goes from 56.9—59.9, in Washington Township, **Indiana County**. Receiving streams: UNTs to/and Sugar Camp Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 21, 2008.

**56930102 and NPDES Permit No. PA0212407. Cooney Brothers Coal Company,** P. O. Box 246, Creson, PA 16630, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 178.6 acres. Receiving streams: Hinson Run, UNT to Hinson Run, and 2 UNTs to Shade Creek and Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2008.

**56920114 and NPDES No. PA021334. Action Mining, Inc.,** 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Southampton Township, **Somerset County**, affecting 278.5 acres. Receiving streams: UNTs to North Branch of Jennings Run, Jennings Run and UNTs to Jennings Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2008.

**56030103 and NPDES No. PA0249441. Hoffman Mining, Inc.,** P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 262.0 acres. Receiving streams: Spruce Run; Shade Creek; tributary to Kaufman Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received February 22, 2008.

**11080101 and NPDES No. PA0262587. AMFIRE Mining Company, LLC,** One Energy Place, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface and auger mine in East Taylor and Croyle Townships, **Cambria County**, affecting 731.4 acres. Receiving streams: UNTs to the Little Conemaugh River to the Little Conemaugh River to the Conemaugh River classified for the following use: CWF. (There are no potable water supply intakes within 10 miles downstream.) Application received February 21, 2008.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**03010103 and NPDES Permit No. PA0202991. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Application received for transfer of permit currently issued to Rosebud Mining Company for continued operation and reclamation of a bituminous surface mining site located in Kiskiminetas Township, Armstrong County and Conemaugh Township, **Indiana County**, affecting 145.6 acres. Receiving streams: UNTs to Long Run and Sulfur Run to Kiskiminetas River, and UNTs to/and Kiskiminetas River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the Avonmore Municipal Authority. Transfer application received February 21, 2008.

*Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.*

**10950103 and NPDES Permit No. PA0226963. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Concord Township, **Butler County** affecting 67.2 acres. Receiving streams: UNTs of Bear Creek and Bear Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received February 28, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17970101 and NPDES No. PA0220540. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 80.0 acres. Receiving streams: UNT to Pine Run, UNT to Clearfield Creek, Clearfield Creek, UNT to Flegals Run to Lick Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 19, 2008.

**17030111 and NPDES No. PA0243558. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur/Boggs Townships, **Clearfield County**, affecting 52.5 acres. Receiving stream: UNTs to Little Laurel Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 12, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54080101 and PA0224669. Michael Coal Company,** (P. O. Box 8, Williamstown, PA 17098), commencement, operation and restoration of an anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Tremont Township, **Schuylkill County** affecting 133.0 acres, receiving stream: Rausch Creek, classified for the following use: CWF. Application received February 27, 2008.

#### *Coal Applications Returned*

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17060101. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 232.0 acres. Receiving streams: UNTs to Little Clearfield Creek, classified for the following use: HQF. Application received February 22, 2006. Application returned February 21, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**40041601T. Stockton Anthracite, LLC,** (P. O. Box 546, Hazleton, PA 18201), transfer of an existing anthracite coal preparation plant operation from Stockton Anthracite, LP in Hazle Township, **Luzerne County** affecting 183.0 acres, receiving stream: none. Application received March 26, 2007. Application withdrawn February 29, 2008.

#### *Noncoal Applications Returned*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**31050801. L. Edmund Wilson,** 5142 Delmar Street, Alexandria, PA 16611, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Alexandria Borough and Porter Township, **Huntingdon County**, affecting 3 acres. Receiving stream: Frankstown Branch Juniata River. Application received July 15, 2005. Permit returned February 27, 2008.

#### *Noncoal Applications Received*

*Effluent Limits*—The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

| <i>Parameter</i>              | <i>30-day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids              | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| Alkalinity exceeding acidity* |                           |                                 |                                  |
| pH*                           |                           | greater than 6.0; less than 9.0 |                                  |

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**Permit No. 4174SM2 and NPDES Permit No. PA0009814, New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, Shade Township, **Somerset County**. Receiving streams: Laurel Run and Beaverdam Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 20, 2008.

**Permit No. 4274SM7 and NPDES Permit No. PA0009822, New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, Walker Township, **Huntingdon County**. Receiving stream: Crooked Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 20, 2008.

**Permit No. 0579201 and NPDES Permit No. PA0118583, New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Broadtop Township, **Bedford County**. Receiving stream: Six Mile Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 20, 2008.

**Permit No. 4274SM28 and NPDES Permit No. PA0035408, New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, Frankstown Township, **Blair County**. Receiving stream: UNT to New Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 20, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17880301 and NPDES No. PA0116343, Lansberry Coal and Excavating Co.** (1219 Bishtown Road, Woodland, PA 16881), renewal of NPDES Permit in Bradford Township, **Clearfield County**. Receiving streams: UNT of Abes Run to Abes Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 19, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**36080302, Martin Limestone, Inc.,** (P. O. Box 550, Blue Ball, PA 17506), commencement, operation and restoration of a quarry operation in Ephrata Township,

**Lancaster County** affecting 35.0 acres, receiving stream: Conestoga River, classified for the following use: WWF. Application received February 28, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E64-275, Western Wayne School District,** 2132 Easton Turnpike, South Canaan, PA 18459, in Salem Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.



To construct and maintain a 48-inch diameter concrete pipe to replace three 12-inch diameter culverts in a tributary to Moss Hollow Creek (HQ-CWF) and place fill in 0.11 acre of adjacent EV wetlands for the purpose of an access road to the proposed Western Wayne South Elementary School. The project is located approximately 1 mile north of the intersection of SR 590 and SR 191/196 (Lake Ariel, PA Quadrangle N: 7.25 inches; W: 3.80 inches).

**E54-330. Department of Conservation and Natural Resources**, 8th Floor, Rachel Carson State Office Building, P. O. Box 8551, Harrisburg, PA 17105-8551, in Pine Grove Borough, **Schuylkill County**, United States Army Corps of Engineers, Baltimore District.

To authorize the following water obstructions and encroachments associated with the Schuylkill County portion of Swatara State Park Trail Project: 1) Swopes Valley Pedestrian Bridge—to construct and maintain a 12-foot wide, 2 span steel truss pedestrian bridge across Swatara Creek (CWF) having spans of 138 feet and 106 feet and an average underclearance of 15 feet. The bridge is located on Swopes Valley Road (T-390) at the intersection of old state road (T-635); 2) Mill Creek Pedestrian Bridge—to construct and maintain a single span steel truss pedestrian bridge across Mill Creek (CWF) having a span of 88 feet and an approximate underclearance of 15 feet. The bridge is located approximately 150 feet downstream of SR 0443; 3) Bear Hole Run Culvert Replacement—to remove the existing structure and to construct and maintain a road crossing of Bear Hole Run (CWF) consisting of twin 54-foot long, 60-inch diameter reinforced concrete pipes. The road crossing is located on Old State Road (T-65) approximately 0.7 mile west of its intersection with Swopes Valley Road (T-390) (Pine Grove, PA Quadrangle N: 4.9, 4.1, 3.9 inches; W: 12.9, 13.0, 14.8 inches).

**E45-521. Mitch Kaplan**, 257 Washington Drive, Watchung, NJ 07069, in Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 200 foot long retaining wall to restore an eroded stream bank along Flagler Run (HQ-CWF) and to repair damages to the existing parking lot and building along Flagler Run. The project is located on the west side of the intersection of Flagler Run and SR 0611 (Stroudsburg, PA Quadrangle N: 6.0 inches; W: 3.0 inches).

*Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. (717) 705-4707.*

**E44-133: Newton-Wayne Joint Municipal Authority**, Newton-Wayne Joint Municipal Authority Wastewater Collection and Pumping Project, Newton Hamilton Borough, Kistler Borough and Wayne Township, **Mifflin County**, ACOE Baltimore District

To construct and maintain: (1) a 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 41" N; Longitude 77° 50' 31" W); (2) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 40" N; Longitude 77° 50' 30" W); (3) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 8,000.0 square feet of Palustrine Forested Wetlands (Latitude 40° 23' 38" N; Longitude 77° 50' 18" W); (4) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 36" N; Longitude 77° 50' 05" W); (5) an 8.0-inch PVC sanitary sewer

line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 35" N; Longitude 77° 50' 01" W); (6) an 8.0-foot high by 8.0-foot wide by 12.0-foot long concrete sewer pump station in the 100-year floodplain of the Juniata River (WWF) (Latitude 40° 23' 34" N; Longitude 77° 50' 02" W); (7) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 37" N; Longitude 77° 50' 01" W); (8) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 38" N; Longitude 77° 49' 55" W); (9) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 2,200.0 square feet of Palustrine Forested Wetlands (Latitude 40° 23' 39" N; Longitude 77° 49' 55" W); (10) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 3,520.0 square feet of Palustrine Forested Wetlands (Latitude 40° 23' 43" N; Longitude 77° 49' 47" W); (11) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 45" N; Longitude 77° 49' 32" W); (12) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 16" N; Longitude 77° 50' 26" W); (13) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 23' 08" N; Longitude 77° 50' 34" W); (14) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 38" N; Longitude 77° 51' 02" W); (15) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 1,120.0 square feet of Palustrine Scrub-Shrub Wetlands (Latitude 40° 22' 43" N; Longitude 77° 50' 59" W); (16) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 400.0 square feet of Palustrine Forested Wetlands (Latitude 40° 22' 32" N; Longitude 77° 51' 13" W); (17) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 44" N; Longitude 77° 50' 59" W); (18) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 29" N; Longitude 77° 51' 16" W); (19) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 31" N; Longitude 77° 51' 19" W); (20) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 34" N; Longitude 77° 51' 23" W); (21) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 37" N; Longitude 77° 51' 27" W); (22) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 39" N; Longitude 77° 51' 31" W); (23) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 41" N; Longitude 77° 51' 35" W); (24) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 45" N; Longitude 77° 51' 43" W); (25) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 18" N; Longitude 77° 51' 09" W); (26) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 16" N; Longitude 77° 51' 53" W); (27) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 22" N; Longitude 77° 51' 03" W); (28) an 8.0-foot high by 8.0-foot wide by 12.0-foot long concrete sewer pump station in the 100-year floodplain of the Juniata River (WWF) (Latitude 40° 21' 44" N; Longitude 77° 49' 25" W); (29) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 17" N; Longitude 77° 51' 43" W); (30) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 128.0 square feet of Palustrine Forested Wetlands (Latitude 40° 23' 33" N; Longitude 77° 49' 47"

W); (31) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 40° 22' 29" N; Longitude 77° 51' 15" W); and (32) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude 41° 42' 42" N; Longitude 77° 51' 43" W) in Newton Hamilton Borough, Kistler Borough, and Wayne Township for the purpose of replacing malfunctioning on-lot systems as well as many "wildcat" sewers located in the project area.

**E22-532: Susquehanna Township, Gary L. Myers**, 1900 Linglestown Road, Harrisburg, PA 17110, Susquehanna Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 6.0-foot wide single span pedestrian bridge with a normal span of 120.0 feet across Paxton Creek (WWF) (Latitude: 40° 18' 22"; Longitude 76° 51' 20"), to relocate approximately 300.0 linear feet and enclose 100.0 feet on a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 20"), to replace a 100.0-foot long culvert with a 16.0-foot long, 6.0-inch depressed, 76.0-inch by 48.0-inch HDPE pipe in a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 20"), to replace a 15.50-foot long culvert with a 35.0-foot long, 6.0-inch depressed, 53.0-inch by 34.0-inch HDPE pipe in a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 24"; Longitude 76° 51' 19"), to fill 0.17 acres of PEM wetlands associated with a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 17"; Longitude 76° 51' 23"), to install and maintain an 18.0-inch HDPE outfall to a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 23"; Longitude 76° 51' 21"), to install and maintain an 18.0-inch HDPE outfall to a UNT to Paxton Creek (WWF) (Latitude: 40° 18' 28"; Longitude 76° 51' 16"), and to install and maintain a 3.0-inch HDPE outfall to Paxton Creek (WWF) (Latitude: 40° 18' 21"; Longitude 76° 51' 20"), for the purpose of improving a 2,500.0-foot section of Kohn Road in Susquehanna Township, Dauphin County (Harrisburg East, PA Quadrangle N: 10.3 inches; W: 14.8 inches).

**E07-420: Williamsburg Borough, F. Dennis Clapper**, Borough Manager, 305 East Second Street, Williamsburg, PA 16693-1041, Williamsburg Borough, **Blair County**, ACOE Baltimore District.

To rehabilitate and upgrade Riverside Park by constructing walkways; handicapped parking, remove, relocate or replace playground equipment (swings, see-saws, slides, and the like) and associated improvements, located along the floodway of Frankstown Branch Juniata River (TSF) upstream of SR 2015 (High Street) in order to improve the safety condition of the park (Williamsburg, PA Quadrangle N: 16.0 inches; W: 10.52 inches, Latitude: 40° 27' 47"; Longitude: 78° 12' 02") in Williamsburg Borough, Blair County.

**E38-162: Scott Werkheiser**, Greater Lebanon Refuse Authority, 1610 Russell Road, Lebanon, PA 17046, North Annville Township, **Lebanon County**, ACOE Baltimore District.

To remove a 75.0-foot long by 15.0-foot wide by 2.0-foot deep vegetated gravel bar in a UNT to Swatara Creek (WWF) for the purpose of reducing stream bank erosion at a point just north of the intersection of Russell and Cedar Run Roads (Palmyra, PA Quadrangle N: 21.0"; W: 16.7", Latitude: 40° 21' 54"; Longitude: 76° 29' 39") in North Annville Township, Lebanon County. There are no proposed wetland impacts.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E08-448. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 2024 Segment 0030 Offset 1500—1540. Stabilization of the right hand bank along SR 2024 in Towanda Township, **Bradford County**, ACOE Susquehanna River Basin District (Monroeton, PA Quadrangle N: 19.65 inches; W: 8.03 inches).

The Department of Transportation, Engineering District 3-0, proposes to remove approximately 196 cubic yards of earthen material and replace with 639 tons of rock in order to alleviate the erosion that exists at the outlet of a cross pipe that carries a UNT to Towanda Creek under SR 2024 in Towanda Township, Bradford County.

This project proposes to have a minimal impact on the UNT to Towanda Creek, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

**E08-449. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 0006 Segment 0440 Offset 0000—0500. Stabilization of the bank along SR 0006 Burlington Township, **Bradford County**, ACOE Susquehanna River Basin District (Ulster, PA Quadrangle N: 5.73 inches; W: 6.14 inches).

The Department of Transportation, Engineering District 3-0 proposes stabilize the SR 0006 road surface by placing material at Segment 0440 Offset 0000—0500. This project will entail armoring the bank along Sugar Creek to prevent the further erosion and subsequent subsidence of the road caused by creek erosion.

This project proposes to have a minimal impact on Sugar Creek, which is designated a WWF. This project proposes to impact 0.061 acre of jurisdictional wetlands.

**E14-505. John Gummo**, 5788 West Buffalo Run Road, Port Matilda, PA 16870. Gummo channel change, in Patton Township, **Centre County**, ACOE Baltimore District (Julian, PA Quadrangle N: Latitude 40° 48' 57.4"; Longitude 77° 58' 45.7").

The project proposes to divert 340 linear feet of a UNT to Buffalo Run (HQ-CWF) around an existing pond. Currently the stream flows into the impoundment of the pond. This channel is designed to support the 25-yr. flow with one half foot of freeboard. The diverted channel is intended to travel under the existing driveway through a 40 inch HDPE culvert pipe measuring 100 linear feet in length. The R-7 rock outlet extends 40 feet beyond the outlet of the pipe and transitions into the natural channel. Additional work will be completed along the shoreline to construct block retaining wall to protect from wave erosion. This work will create 500 linear feet of new channel, establish an off stream impoundment and improve discharges from the impoundment. The plan does not propose to impact any wetlands with the proposed alterations.

**E18-430. Celco Partnership, d/b/a Verizon Wireless**, 4642 Jonestown Road, Suite 200, Harrisburg, PA 17109, Water Obstruction and Encroachment Joint Permit Application, in Mill Hall Borough, **Clinton County**, ACOE Susquehanna River Basin District (Mill Hall, PA Quadrangle N: 41° 6' 31"; W: 77° 29' 15").

To construct and maintain a 195' monopole wireless communications tower, 11.5' by 30' equipment shelter and 50' by 60' fenced enclosure located along North Water Street in the Borough of Mill Hall, Clinton County. This project proposes to have a minimal impact on the

floodway of Fishing Creek, which is, designated a HQ-CWF and does not propose to impact any jurisdictional wetlands.

**E19-270. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 42-047 Intersection Improvement Project in Hemlock and Mt. Pleasant Townships, **Columbia County**, Susquehanna River Basin District (Bloomsburg, PA Quadrangle N: 4.89 inches; W: 14.48 inches).

To replace the existing SR 4009 (Millville Road) bridge over Little Fishing Creek and reconstruction of the intersection (SR 0042 and SR 4009) just north of the bridge. Improvement of this intersection will also involve the addition of a traffic signal, and highway widening for additional lanes on SR 0042 and SR 4009. Additionally, the intersection of existing township road, T-360 (Creek Road) with SR 0042 will be eliminated with construction of a new cul-de-sac on T-360 near the existing intersection, and the profile on SR 0042 (Mall Boulevard) will be adjusted to improve sight distance.

The intent of the project is to improve motorist safety, increase the capacity of the intersection (reduce congestion), and update the existing bridge, which is deteriorating and obsolete. The various safety improvements include: the addition of two dedicated left turn lanes on northbound SR 4009 to southbound SR 0042, a dedicated right turn lane on northbound SR 0042 to southbound SR 4009, the addition of a traffic signal, intersection lighting, a wider bridge, access controls at two properties, constructing a cul-de-sac to eliminate the Creek Road intersection, and improving the sight distance by modifying the existing crest vertical curve on Mall Boulevard. Also included will be the installation of new drainage facilities and the construction of a stormwater management basin to be located between Mall Boulevard and the proposed Creek Road cul-de-sac.

This project proposes to have a minimal impact on Little Fishing Creek, which is designated a CWF. This project does propose to permanently impact 0.276 acre of jurisdictional wetlands. Mitigation for the permanent impact will be made by payment to the Pennsylvania Wetlands Replacement Project.

**E47-090. Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 2008 Section 0020 Offset 2397—2950. Culvert Replacement Project in Mahoning Township, **Montour County**, ACOE Susquehanna River Basin District (Danville, PA Quadrangle N: 15.00 inches; W: 12.70 inches).

To remove an existing concrete slab bridge that carries SR 2008 over Sechler Run, and replace with 53 Lf of 48" by 76" elliptical reinforced concrete pipe on a new alignment. The new alignment will allow the stream to take a natural flow path under SR 2008 and minimize backwater and flooding problems associated with the existing structure. This project is located approximately 1.4 miles from the intersection of SR 0011 and SR 0054 in Mahoning Township, Montour County.

This project proposes to have a minimal impact on Sechler Run, which is designated a CWF. This project does not propose to impact any jurisdictional wetlands.

**E53-420. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4023 Segment 0120 Offset 1150 +/-, Channel maintenance and bank protection along Elevenmile Creek, Village of Chrystal, **Potter**

**County**, ACOE Pittsburgh District (Oswayo, PA-NY Quadrangle N: 15.5 inches; W: 3.6 inches).

To perform channel maintenance activities along Elevenmile Creek adjacent to SR 4023 at segment 0120 Offset 1150 located in Oswayo Township, Potter County. Improvements planned to minimize roadway flooding and overtopping include minor stream channel maintenance along approximately 80 LF. This maintenance will include the removal of deposition material at a 90° bend and the addition of rip-rap rock to reinforce the stream bank.

**E53-421. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 4013 Section A01, Bridge Replacement Project over North Hollow Run in Sweden Township, **Potter County**, ACOE Pittsburgh District (Sweden Valley, PA Quadrangle N: 7.05 inches; W: 8.42 inches).

To remove an existing concrete encased steel I-beam bridge and construct, operate and maintain a new single cell box culvert and associated road work that will carry SR 4013 over North Hollow Run. The structure will be designed in accordance with AASHTO Box Culvert Design Specifications. This project proposes to have minimal impact on North Hollow Run (CWF) and does not plan to impact any jurisdictional wetlands.

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1575. Redevelopment Authority of the City of McKeesport**, 500 Fifth Avenue, McKeesport, PA 15132. To place fill in floodway for a hiking/biking trail in the City of McKeesport, **Allegheny County**, Pittsburgh ACOE District (McKeesport, PA Quadrangle N: 18.6 inches; W: 16.6 inches, Latitude: 40° 21' 09"; Longitude: 79° 52' 09"). The applicant proposes to place and maintain fill in the floodway and along the right bank of the Youghiogheny River (WWF) for a distance of approximately 2,032.0 feet beginning at 9th Street and ending at the CSX Railroad Bridge Right-of-Way and to place and maintain fill in the floodway and along the right bank of said stream for a distance of approximately 1,355.0 feet beginning at the CSX Railroad Bridge Right-of-Way and ending at the confluence of said stream and the Monongahela River at McKees Point in the City of McKeesport, for the purpose of constructing a hiking/bicycle trail known as the Youghiogheny River Trail and McKees Point Trail. The project is located just upstream from the confluence of the Youghiogheny River and the Monongahela River and will impact approximately 3,387.0 linear feet of stream channel.

**E02-1578. North Fayette Township**, 400 North Branch Road, Oakdale, PA 15071. To construct a culvert in North Fayette Township, **Allegheny County**, Pittsburgh ACOE District (Clinton, PA Quadrangle N: 9.3 inches; W: 1.1 inches, Latitude: 40° 25' 34"; Longitude: 80° 15' 28"). The applicant proposes to construct and maintain a 48 inch diameter culvert approximately 80.0 feet in length in a UNT to Half Crown Run (WWF) to provide access to the Yard Waste Compost Site. The project is located on the north side of Kelso Road, approximately 3,500.0 feet north from the intersection of Kelso and Patridge Roads and will impact approximately 80.0 linear feet of stream channel.

**E63-605. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106. To construct a stream relocation consisting of three culverts in Carroll Township, **Washington County**, Pittsburgh ACOE District

(Monongahela, PA Quadrangle N: 9.6 inches; W: 9.1 inches, Latitude: 40° 10' 44"; Longitude: 79° 56' 22"). The applicant proposes to construct and maintain a 850 ft. long stream relocation of Taylors Run (WWF) with a drainage area of 3.24 square miles; a 80 ft. long crossing consisting of three 60 inch diameter culverts located within the stream relocation; and 0.01 acre of adjacent PEM wetland fill. This project provides for protecting and moving Taylors Run away from a continuing slide condition which threatens to choke off the existing stream channel and has been partially completed under Emergency Permit 6308201. In addition, 100 ft. of a UNT with a drainage area of less than 100 acres conflicting with the stream relocation will be filled. The project is located approximately 1.5 miles south of the center of Monongahela in Carroll Township.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-567, Crawford Central School District**, 11280 Mercer Pike, Meadville, PA 16335. Second District Elementary School Expansion, in the City of Meadville, **Crawford County**, ACOE Pittsburgh District (Meadville, PA Quadrangle N: 41° 37' 48"; W: 80° 9' 14").

The applicant proposes to construct and maintain a 7,700 square foot building addition, stormwater management facilities and a parking area expansion within the FEMA floodway of French Creek NW and adjacent to the intersection of Linden and South Main Streets involving to fill approximately 593 cubic yards of the FEMA floodway of French Creek. French Creek is a perennial stream classified as a WWF.

**E33-230, Winslow Township**, 1277 Yellow Brick Road, Reynoldsville, PA 15851. Village of Soldier Wastewater Collection and Water Supply System, in Winslow Township and Sykesville Borough, **Jefferson County**, ACOE Pittsburgh District (DuBois, PA Quadrangle N: 41° 03' 45"; W: 78° 50' 38").

To construct and maintain wastewater collection and drinking water distribution systems to serve the Village of Soldier and surrounding area including the installation of approximately 23,000 feet of sanitary sewer force mains and gravity lines, two pump stations and approximately 20,000 feet of potable water lines. The project includes the following impacts:

1. Seven sanitary sewer line and three water line crossings of tributaries to Soldier Run (CWF).
2. Two sanitary sewer line and three water line crossings of tributaries to Sugarcamp Run (HQ-CWF).
3. Two water line crossings, two gravity sanitary sewer line crossings and two sanitary sewer force main crossings of three wetland areas in the Soldier Run watershed.
4. Two sanitary sewer pump stations and associated fill within the 100-year floodplain of a tributary to Soldier Run.

#### ENVIRONMENTAL ASSESSMENTS

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**EA05-009: Steckman Ridge, LP**, Rita V. Nguyen, 5400 Westheimer Court, Houston, TX 77056, Monroe Township, **Bedford County**, ACOE Baltimore District. 410 Water Quality Certification request for various activities as follows:

1. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek

(EV) (Mench, PA Quadrangle, N: 2.30 inches; W: 13.09 inches, Latitude: 39° 53' 50.837"; Longitude: 78° 20' 34.56").

2. To construct and maintain an 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 4.07 inches; W: 10.92 inches, Latitude: 39° 53' 50.837"; Longitude: 78° 19' 48.56").

3. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.52 inches; W: 14.27 inches, Latitude: 39° 53' 39.92"; Longitude: 78° 21' 4.89").

4. To replace and maintain a 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.68 inches; W: 12.89 inches, Latitude: 39° 53' 3.52"; Longitude: 78° 20' 29.39").

5. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.59 inches; W: 13.06 inches, Latitude: 39° 53' 1.82"; Longitude: 78° 20' 33.88").

6. To replace and maintain a 16-inch diameter natural gas line in a UNT to Schaffer Creek (WWF) and to temporarily impact a 0.03 acre of PEM wetland (Mench, PA Quadrangle, N: 7.53 inches; W: 12.18 inches, Latitude: 39° 54' 59.15"; Longitude: 78° 20' 11.38").

7. To replace and maintain a 16-inch diameter natural gas line in a UNT to Schaffer Creek (WWF) and to temporarily impact a 0.04 acre of PEM wetland (Mench, PA Quadrangle, N: 7.30 inches; W: 12.25 inches, Latitude: 39° 54' 54.61"; Longitude: 78° 20' 13.18").

8. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 4.07 inches; W: 14.37 inches, Latitude: 39° 53' 50.70"; Longitude: 78° 21' 7.58").

9. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 4.02 inches; W: 14.37 inches, Latitude: 39° 53' 49.82"; Longitude: 78° 21' 6.77").

10. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.33 inches; W: 14.16 inches, Latitude: 39° 53' 36.03"; Longitude: 78° 21' 2.05").

11. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.01 inches; W: 11.95 inches, Latitude: 39° 54' 9.46"; Longitude: 78° 20' 5.54").

12. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.61 inches; W: 12.31 inches, Latitude: 39° 53' 41.63"; Longitude: 78° 20' 14.61").

13. To replace and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 1.28 inches; W: 13.54 inches, Latitude: 39° 52' 55.63"; Longitude: 78° 20' 46.29").

14. To construct and maintain a 16-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 0.79 inch; W: 13.89 inches, Latitude: 39° 52' 46.00"; Longitude: 78° 20' 55.09").

15. To replace and maintain an 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek

(EV) (Mench, PA Quadrangle, N: 2.06 inches; W: 12.19 inches, Latitude: 39° 53' 11.01"; Longitude: 78° 20' 11.70").

16. To construct and maintain an 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.41 inches; W: 14.62 inches, Latitude: 39° 53' 17.88"; Longitude: 78° 21' 13.92").

17. To construct and maintain an 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 2.82 inches; W: 14.73 inches, Latitude: 39° 53' 25.96"; Longitude: 78° 21' 16.72").

18. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.04 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.59 inches; W: 13.24 inches, Latitude: 39° 54' 20.76"; Longitude: 78° 20' 38.62").

19. To replace and maintain a 16-inch diameter natural gas line temporarily impacting a 0.10 acre of PEM/PSS wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 5.51 inches; W: 13.23 inches, Latitude: 39° 54' 19.16"; Longitude: 78° 20' 38.48").

20. To construct and maintain an 8-inch diameter natural gas line temporarily impacting a 0.01 acre of PEM wetland of a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle, N: 3.23 inches; W: 14.54 inches, Latitude: 39° 53' 34.09"; Longitude: 78° 21' 11.81").

21. To construct and maintain an 8-inch diameter natural gas line in a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 4.42 inches; W: 11.49 inches, Latitude: 39° 53' 57.688"; Longitude: 78° 19' 53.658").

22. To construct a natural gas well and temporarily impact a UNT to West Branch Sideling Hill Creek (EV) (Mench, PA Quadrangle N: 0.69 inch; W: 14.15 inches, Latitude: 39° 52' 43.964"; Longitude: 78° 21' 1.720").

All activities are related to the improvements of existing natural gas storage wells in Monroe Township, Bedford County.

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D21-021EA. Department of Corrections, 2120 Lisburn Road, Camp Hill, PA 17011. Lower Allen Township, Cumberland County, Fairview Township, York County, ACOE Baltimore District.**

Project proposes to breach and remove Upper Mill Dam across Yellow Breeches Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,500 lineal feet of stream channel. The dam is located approximately 3,000 feet southeast of the intersection of Lisburn and Spanglers Mill Roads (Le-moyne, PA Quadrangle; Latitude: 40° 12' 36"; Longitude: 76° 54' 24").

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following applications have been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

| <i>SSIP<br/>Application No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>County</i> | <i>Municipality</i>   | <i>Tank Type</i>                        | <i>Tank Capacity</i>    |
|---------------------------------|--|---------------|-----------------------|---|-------------------------|
| 08003                           | Richland Partners, LLC<br>DBA: Leffler Energy<br>P. O. Box 659<br>Douglassville, PA 19518<br>Attn: Barry D. Miller | Lancaster     | Mount Joy<br>Township | 3 ASTs storing<br>petroleum<br>products | 60,000 gallons<br>total |

## ACTIONS

### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>                            |
|-----------------|-------------------------|--|
| Section I       | NPDES                   | Renewals   |
| Section II      | NPDES                   | New or amendment   |
| Section III     | WQM                     | Industrial, sewage or animal wastes; discharges to groundwater |
| Section IV      | NPDES                   | MS4 individual permit  |
| Section V       | NPDES                   | MS4 permit waiver  |
| Section VI      | NPDES                   | Individual permit stormwater construction                      |
| Section VII     | NPDES                   | NOI for coverage under NPDES general permits                   |

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## **I. NPDES Renewal Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                             | <i>County &amp;<br/>Municipality</i>            | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|---|--------------------------------------|-----------------------------|
| PA0052892                   | Donald F. Byrne<br>2201 North Ridley Creek Road<br>Media, PA 19036 | Delaware County<br>Upper Providence<br>Township | UNT to Ridley Creek<br>Watershed 3G  | Y                           |

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>               | <i>Stream Name<br/>(Watershed #)</i>           | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--|--|-----------------------------|
| PA0061310                   | Marian High School<br>166 Marian Avenue<br>Tamaqua, PA 18252-9789  | Schuylkill County<br>Rush Township                 | Little Schuylkill River<br>Watershed 3A<br>CWF | Y                           |
| PA0062944<br>(Sewage)       | Robert B. Barker and<br>Charles L. Rice—<br>Single Family Residence<br>618 Quaker Plain Road<br>Bangor, PA 18013 | Upper Mt. Bethel<br>Township<br>Northampton County | UNT to Martins Creek<br>1F                     | Y                           |
| PA0070203<br>(Minor Sewage) | Craftex Mills, Inc.<br>2100 Market Street<br>Auburn, PA 17922  | Schuylkill County<br>West Brunswick<br>Township    | Pine Creek<br>3A                               | Y                           |
| PA0063690<br>(Minor Sewage) | Melroe's Restaurant<br>832 Salem Boulevard<br>Berwick, PA 18603  | Luzerne County<br>Salem Township                   | UNT to Susquehanna<br>River<br>5B              | Y                           |

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                         | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|-----------------------------|
| PAS204801<br>IW             | GKN Sinter Metals, Inc.<br>P. O. Box 493<br>Emporium, PA 15834 | Emporium Borough<br>Cameron County   | West Creek<br>8A                     | Y                           |

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

| <i>NPDES No.<br/>(Type)</i>   | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i>   | <i>EPA Waived<br/>Y/N</i> |
|-------------------------------|--|---|--|---------------------------|
| PA0002062<br>Industrial Waste | Reliant Energy Northeast<br>Management Company<br>121 Champion Way<br>Canonsburg, PA 15317 | Armstrong County<br>Plumcreek Township  | Allegheny River<br>Outfall 001<br>Crooked Creek<br>Outfalls 003, 005—007<br>and 010—020<br>Plum Creek<br>Outfalls 002, 004, 008<br>and 009 | N                         |
| PA0004740<br>Sewage           | Charles D. Rupp<br>P. O. Box 334<br>Templeton, PA 16259                                    | Armstrong County<br>Pine Township       | Allegheny River  | Y                         |
| PA0026425<br>Sewage           | Municipality of Penn Hills<br>12245 Frankstown Road<br>Pittsburgh, PA 15235                | Allegheny County<br>Penn Hills Township | Shades Run   | Y                         |
| PA0021610<br>Sewage           | Blairsville Municipal Authority<br>203 East Market Street<br>Blairsville, PA 15717         | Indiana County<br>Burrell Township      | Conemaugh River  | Y                         |
| PA0091219<br>Sewage           | Plum Borough Municipal<br>Authority<br>4555 New Texas Road<br>Pittsburgh, PA 15239         | Allegheny County<br>Plum Borough        | UNT of Little Plum<br>Creek  | Y                         |
| PA0092487<br>Sewage           | Nino J. Barsotti<br>546 Three Mile Hill Road<br>Mount Pleasant, PA 15666                   | Fayette County<br>Bullskin Township     | UNT of Jacobs Creek  | Y                         |
| PA0217719<br>Sewage           | Michele R. Love<br>295 Tunnel Road<br>Smithfield, PA 15478-1471                            | Greene County<br>Dunkard Township       | Monongahela River  | Y                         |

## **II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions**

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**NPDES Permit No. PA0011657, IW, Exelon Generation Company, 300 Exelon Way, Kennett Square, PA 19348, City of Philadelphia, Philadelphia County.**

The following notice reflects changes to the notice published at 37 Pa.B. 6305 (December 1, 2007):

An effluent limit of 0.05 mg/l (Daily Maximum) for a chemical additive, Spectrus CT1300, has been added for Outfall 001 in the final permit.

**NPDES Permit No. PA0052035, Sewage, Upper Makefield Township, 1076 Eagle Road, Newtown, PA 18940.** This proposed facility is located in Upper Makefield Township, **Bucks County.**

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Heritage Hills WWTP into the Delaware River in Watershed 2E.

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA-0070483-A2, Industrial Waste, Grand Central Sanitary Landfill, Inc., 1963 Pen Argyl Road, Pen Argyl, PA 18072.** This proposed facility is located in Plainfield Township, **Northampton County.**

Description of Proposed Action: Issuance of NPDES Permit for changes to stormwater outfalls.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0081779, Amendment No. 1, Sewage, Jim Kohler, Yellow Breeches Education Center, 15 Oak Park Avenue, Carlisle, PA 17013.** This proposed facility is located in West Hanover Township, **Dauphin County.**

Description of Proposed Action/Activity: Transfer of Permit.

**NPDES Permit No. PA0044598, Sewage, Susquehanna Regional Airport Authority, Harrisburg International Airport, One Terminal Drive, Suite 300, Middletown, PA 17057-5048.** This proposed facility is located in Lower Swatara Township, **Dauphin County.**

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-C.

**NPDES Permit No. PA0082627, Amendment No. 1, Sewage, CBM Ministries, Inc., Camp Joy El, 3741 Joy El Drive, Greencastle, PA 17225.** This proposed facility is located in Saint Thomas Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to the Back Creek in Watershed 13-C.

**NPDES Permit No. PA0248495, CAFO, Hillandale Gettysburg, LP, Baileys Farm, 370 Spicer Road, Gettysburg, PA 17325.** This proposed facility is located in Codruss Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 4,094-AEU layer and beef operation in Watershed 7-H.

**NPDES Permit No. PA0246441, CAFO, Deer Stone Ag, Inc., Drew Derstein Farm, 10049 Ferguson Valley Road, Lewistown, PA 17044.** This proposed facility is located in Granville Township, **Mifflin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 711-AEU swine operation in Watershed 12-A.

**NPDES Permit No. PA0260207, CAFO, Michael Jasienski, Felton Pig Farm, 1068 Main Street Extension, Felton, PA 17322.** This proposed facility is located in Chanceford Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 403-AEI swine and beef operation in Watershed 7-I.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**PA0025933, Sewerage (4952), City of Lock Haven, 20 East Church Street, Lock Haven, PA 17745.** The existing facility is located in the City of Lock Haven, **Clinton County**.

Description of Proposed Activity: The Department of Environmental Protection is initiating an amendment to include Part C Special Conditions III—VIII and Discharge Monitor Report pages 1—3 that were erroneously omitted from the issuance of the respective permit on January 11, 2008. These conditions and DMR pages were previously included in the draft permit.

**PA004466, Sewerage (4952), Lewisburg Area Joint Sewer Authority, P. O. Box 305, Lewisburg, PA 17837-0305.** The existing facility is located in the East Buffalo Township, **Union County**.

Description of Proposed Activity: The Department of Environmental Protection has initiated this amendment to include Part C Special Conditions III—VII, which were erroneously omitted during the issuance of this permit on January 18, 2008. These special conditions were part of the draft permit.

**PA0020699, Sewerage (4952), Montgomery Water and Sewer Authority, 35 South Main Street, Montgomery, PA 17752-0125.** The existing facility is located in the Montgomery Borough, **Lycoming County**.

Description of Proposed Activity: This is a Department of Environmental Protection initiated amendment to include Part C Special Conditions III—VIII, which appeared in the draft permit but were erroneously omitted during the permit issuance on January 25, 2008.

**PA0026239, Sewage, SIC 4952, University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801.** This existing facility is located in Benner and College Townships, **Centre County**.

Description of Proposed Activity: Amendment of the permit to correct mass loading limits as established in previous permit.

**PA0229237, SIC 4941, Clearfield Municipal Authority, 107 East Market Street, Clearfield, PA 16830-2405.** This proposed action is for issuance of a new NPDES permit for discharge of treated industrial wastewater to Moose Creek in Lawrence Township, **Clearfield County**.

The receiving stream is in the Chest Watershed (8B) and is classified for the following uses: CWF and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, Fluoride and Phenolics, the downstream potable water supply considered during the evaluation is located at Milton.

*Outfall 001:*

The proposed effluent limits, based on a design flow of 0.05 mgd, are:

| <i>Parameter</i> | <i>Average<br/>Monthly (mg/l)</i>       | <i>Maximum<br/>Daily (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------|---|---------------------------------|---|
| TSS              | 30                                      | 60                              |   |
| Iron (T)         | 2.0                                     | 4.0                             |   |
| Manganese (T)    | 1.0                                     | 2.0                             |   |
| Aluminum (T)     | 4.0                                     | 8.0                             |   |
| TRC              | 1.0                                     |                                 | 2.3                                     |
| pH               | 6.0 to 9.0 Standard Units at all times. |                                 |   |

The EPA waiver is in effect.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Amplified Final Public Notice for NPDES Permit No. PA0002062, Industrial Waste, Reliant Energy Northeast Management Company, 121 Champion Way, Canonsburg, PA 15317.**



*Internal Outfall 903*

This notice reflects changes from the notice published at 37 Pa.B. 6308 (December 1, 2007).

| Parameter              | Mass (lb/day)      |                  | Concentration (mg/l) |                  |                          |
|------------------------|--------------------|------------------|----------------------|------------------|--------------------------|
|                        | Average<br>Monthly | Maximum<br>Daily | Average<br>Monthly   | Maximum<br>Daily | Instantaneous<br>Maximum |
| Flow (mgd)             | Monitor and Report |                  |                      |                  |                          |
| Total Suspended Solids |                    |                  |                      | 50               | 100                      |

### III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**WQM Permit No. 5207402**, Sewerage, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit, to upgrade the existing Saw Creek Wastewater Treatment Plant to include replacement of blowers, pumps, instruments, aeration systems in kind/replace gaseous C<sub>1</sub> with liquid NaOC<sub>1</sub>.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 667S060, Amendment 07-1**, Sewage, **Jim Kohler, Yellow Breeches Education Center**, 15 Oak Park Avenue, Carlisle, PA 17013. This proposed facility is located in West Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Transfer of Permit.

**WQM Permit No. 2207403**, Sewage, **Susquehanna Area Regional Airport Authority**, One Terminal Drive, Suite 300, Middletown, PA 17057-5048. This proposed facility is located in Lower Swatara Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of pump stations and SBR treatment plant operated in BNR mode to meet Chesapeake Bay nutrient requirements.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**WQM Permit No. 4907404**, Sewerage 4952, **Shamokin-Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872-9603. This proposed facility is located in Coal Township, **Northumberland County**.

Description of Proposed Action/Activity: This project consists construction of disinfection facilities to treat overflow from the Brady Pump Station, extension of the outfall line by approximately 740' to Quaker Run and installation of a back-up power generator.

**WQM Permit No. 4907405**, Sewerage 4952, **Shamokin-Coal Township Joint Sewer Authority**, R. D. 2, Box 35, Shamokin, PA 17872-9603. This proposed facility is located in Coal Township and the City of Shamokin, **Northumberland County**.

Description of Proposed Action/Activity: This project consists of installing 15 CSO Treatment Units and two 6 foot diameter manholes in Shamokin Creek.

**WQM Permit No. 1707201**, Industrial Waste 4941, **Clearfield Municipal Authority**, 107 East Market Street, Clearfield, PA 16830-2405. This proposed facility is located in Lawrence Township, **Clearfield County**.

Description of Proposed Action/Activity: Construction of wastewater treatment units to serve the new Moose Creek Water Treatment Facility.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**WQM Permit No. 0307201**, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Plum Creek Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a wastewater treatment plant to treat blowdown from the Flue Gas Desulfurization Scrubber System.

**WQM Permit No. WQG026117**, Sewerage, **Deer Creek Drainage Basin Authority**, P. O. Box 148, Russelton, PA 15076. This proposed facility is located in West Deer and Indiana Townships, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers.

**WQM Permit No. WQG026119**, Sewerage, **Deer Creek Drainage Basin Authority**, P. O. Box 148, Russelton, PA 15076. This proposed facility is located in West Deer and Indiana Townships, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers.

**WQM Permit No. WQG026120**, Sewerage, **Deer Creek Drainage Basin Authority**, P. O. Box 148, Russelton, PA 15076. This proposed facility is located in West Deer and Indiana Townships, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of gravity sewers, force main and pump station.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2508401**, Sewerage, **Fort LeBoeuf School District**, P. O. Box 810, 34 East Ninth Street, Waterford, PA 16441. This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: Replacement for original sewage treatment plant designed for 10,000 gpd flow with a design flow of 2,500 gpd.

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**WQM Permit No. 1507418**, Sewerage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of a sanitary sewer extension to serve the Whiteland Village.

**WQM Permit No. 1507419**, Sewerage, **Whiteland Village, LLC**, 800 Springdale Drive, Suite 100, Exton, PA 19341. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction of a sanitary sewer extension for Whiteland Village.

**WQM Permit No. WQG02230731**, Sewerage, **Painters Crossing Condominium Association**, 114 Painters Crossing, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station.

**WQM Permit No. 2300407**, Sewerage, **Amendment, Knight's Bridge Corporation**, 122 Chesley Drive, Suite 200, Media, PA 19063. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Upgrades to the existing treatment plant with new EQ tanks, a new 55,000 gpd extended aeration treatment train, new sludge storage tanks and a new control building. Capacity flow will be 90,000 gpd.

**WQM Permit No. 1506415**, Sewerage, **Wallace Township Municipal Authority**, 1250 Creek Road, P. O. Box 96, Glenmoore, PA 19343. This proposed facility is located in Wallace Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage treatment plant.

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#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

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#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>    |
|-------------------------|---|---------------|-------------------------|-------------------------------|
| PAS10Q191R              | Jaindl Land Co.<br>3150 Coffeetown Road<br>Orefield, PA 18069   | Lehigh        | Lower Macungie Township | Swabia Creek<br>HQ-CWF        |
| PAI026405001            | Wayne Economic Development Corp.<br>Attn: Robert Suhosky<br>303 Commercial Street<br>Suite 109<br>Honesdale, PA 18431 | Wayne         | Sterling Township       | Wallenpaupack Creek<br>HQ-CWF |

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                           | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|---------------------|-----------------------------|
| PAI030607003            | David Werley<br>600 Locust Street<br>Mertztown, PA 19539-9132 | Berks         | Longswamp Township  | UNT to Toad Creek<br>HQ-CWF |

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>         | <i>Receiving Water/Use</i>     |
|-------------------------|---|---------------|-----------------------------|--------------------------------|
| PAI041408001            | Tom McGeoy<br>North-Lands, Inc.<br>Woods at Sand Ridge<br>Phase VI-R<br>15 Pontiac Drive<br>Medford, NJ 08055 | Centre        | Marion and Walker Townships | Little Fishing Creek<br>HQ-CWF |

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                             |
|-------------------------|--|---------------|---------------------|--|
| PAI061003003R           | Sarver Square Associates, Inc.<br>The Village at Sarvers Mill<br>P. O. Box 42<br>Murrysville, PA 15668 | Butler        | Buffalo Township    | Little Buffalo Creek<br>HQ-TSF<br>Sarver Run<br>HQ-TSF |
| PAI064206001            | Department of General Services<br>Bureau of Engineering and Architecture                               | McKean        | Lafayette Township  | UNT East Branch<br>Tunungwant Creek<br>HQ-CWF          |

## VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### List of NPDES and/or Other General Permit Types

|             |  |
|-------------|--|
| PAG-1       | General Permit for Discharges From Stripper Oil Well Facilities  |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)  |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities   |
| PAG-4       | General Permit for Discharges From Small Flow Treatment Facilities   |
| PAG-5       | General Permit for Discharges From Gasoline Contaminated Groundwater Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)   |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application   |
| PAG-8       | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage  |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site  |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage  |
| PAG-10      | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines   |
| PAG-11      | (To Be Announced)  |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)   |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)  |

#### *General Permit Type—PAG-02*

#### *Facility Location:*

| <i>Municipality &amp; County</i>             | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>   | <i>Contact Office &amp; Phone No.</i>   |
|--|-------------------|--|------------------------------|---|
| Gordon Borough<br>Schuylkill County          | PAG2005407023     | Rattling Run Limited<br>Partnership<br>400 Broad Street<br>Ashland, PA 17921                                       | Mahanoy Creek<br>CWF         | Schuylkill County<br>Conservation District<br>(570) 622-3742  |
| City of Allentown<br>Lehigh County           | PAG20039060151    | Mark Dambly<br>PennRose Properties,<br>LLC<br>One Brewery Park<br>1301 North 31st Street<br>Philadelphia, PA 19121 | Lehigh River<br>TSF, WWF     | Lehigh County<br>Conservation District<br>(610) 391-9583  |
| Upper Allen<br>Township<br>Cumberland County | PAG2002107050     | JimJam Corporation<br>Pennington Farms<br>3913 Market Street<br>Camp Hill, PA 17011                                | Yellow Breeches Creek<br>CWF | Cumberland County<br>Conservation District<br>310 Allen Road<br>Suite 301<br>Carlisle, PA 17013<br>(717) 240-7812 |

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

|  |               |  |  |  |
|--|---------------|--|--|--|
| Southampton Township<br>Franklin County                | PAG2002807040 | Houseknecht<br>Michael Houseknecht<br>125 Blueberry Hill Lane<br>Port Matilda, PA 16870          | Furnace Run<br>CWF                           | Franklin County<br>Conservation District<br>100 Sunset Boulevard<br>West<br>Chambersburg, PA 17201<br>(717) 264-8074, Ext. 5 |
| Chambersburg Borough<br>Franklin County                | PAG2002807043 | Chamber's 5 Business<br>Park<br>Hub City Builders<br>P. O. Box 2888<br>Hagerstown, MD 21741      | Conococheague Creek<br>CWF                   | Franklin County<br>Conservation District<br>100 Sunset Boulevard<br>West<br>Chambersburg, PA 17201<br>(717) 264-8074, Ext. 5 |
| Waynesboro Borough<br>Franklin County                  | PAG2002807041 | Turkey Hill<br>William Gsell<br>Turkey Hill, LP<br>4421 Marsh Road<br>Waynesboro, PA 17268       | UNT to Antietam Creek<br>CWF                 | Franklin County<br>Conservation District<br>100 Sunset Boulevard<br>West<br>Chambersburg, PA 17201<br>(717) 264-8074, Ext. 5 |
| Upper Allen Township<br>Cumberland County              | PAG2002107050 | JimJam Corporation<br>Pennington Farms<br>3913 Market Street<br>Camp Hill, PA 17011              | Yellow Breeches Creek<br>CWF                 | Cumberland County<br>Conservation District<br>310 Allen Road<br>Suite 301<br>Carlisle, PA 17013<br>(717) 240-7812            |
| Biglerville Borough<br>Butler Township<br>Adams County | PAG2000107016 | Darren Spotts<br>S & A Homes<br>2121 Old Gatesburg<br>Road<br>State College, PA 16803            | UNT to Conewago Creek<br>WWF                 | Adams County<br>Conservation District<br>670 Old Harrisburg Road<br>Suite 201<br>Gettysburg, PA 17325<br>(717) 334-0636      |
| Oxford Township<br>Adams County                        | PAG2000107007 | Jim Halbert<br>Classic Communities<br>2151 Linglestown Road<br>Suite 300<br>Harrisburg, PA 17110 | UNT to South Branch<br>Conewago Creek<br>WWF | Adams County<br>Conservation District<br>670 Old Harrisburg Road<br>Suite 201<br>Gettysburg, PA 17325<br>(717) 334-0636      |
| Cumberland Township<br>Adams County                    | PAG2000107030 | Braden Maley<br>Harvest Investment<br>Group, LLC<br>P. O. Box 52<br>Butler, MD 21023             | Rock Creek<br>WWF                            | Adams County<br>Conservation District<br>670 Old Harrisburg Road<br>Suite 201<br>Gettysburg, PA 17325<br>(717) 334-0636      |
| Conestoga Township<br>Lancaster County                 | PAG2003607016 | Robert L. Hershey, Sr.<br>99 Stehman Road<br>Lancaster, PA 17603                                 | Conestoga River<br>WWF                       | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5  |
| Rapho Township<br>Lancaster County                     | PAG2003607058 | Chiques Church Of The<br>Brethren<br>4045 Sunnyside Road<br>Manheim, PA 17545                    | UNT to Little Chickies<br>Creek<br>TSF       | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5  |
| Manheim Borough<br>Lancaster County                    | PAG2003607062 | Department of<br>Transportation<br>District 8-0<br>2140 Herr Street<br>Harrisburg, PA 17103      | Chickies Creek<br>WWF                        | Lancaster County<br>Conservation District<br>1383 Arcadia Road<br>Room 200<br>Lancaster, PA 17601<br>(717) 299-5361, Ext. 5  |

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Manor Township  
Lancaster County

PAG2003608001

Glen Rohrer  
3280 Blue Rock Road  
Lancaster, PA 17603Little Conestoga Creek  
TSFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
(717) 299-5361, Ext. 5Manheim Township  
Lancaster County

PAG2003608003

Rockview, LLC  
227 Granite Run Drive  
Suite 100  
Lancaster, PA 17601Landis Run  
WWFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
(717) 299-5361, Ext. 5Penn Township  
Lancaster County

PAG2003608004

Ephrata National Bank  
31 East Main Street  
Ephrata, PA 17522Chickies Stream  
WWFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
(717) 299-5361, Ext. 5Brecknock  
Township  
Lancaster County

PAG2003608007

Meadow Valley Builders  
270 Panorama Drive  
Denver, PA 17517UNT to Little Muddy  
Creek  
WWFLancaster County  
Conservation District  
1383 Arcadia Road  
Room 200  
Lancaster, PA 17601  
(717) 299-5361, Ext. 5North Cornwall  
Township  
Lebanon County

PAG2003807031

Scott J. Martin  
School Lane  
Management, LLC  
P. O. Box 82  
Brownstown, PA 17508Snitz  
Creek-Quittapahilla  
Creek  
TSFLebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4Union Township  
Lebanon County

PAG2003807030

Ron Blauch  
Department of General  
Services  
18th and Herr Streets  
Harrisburg, PA 17125Tributary to Reed's  
Creek  
WWFLebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4Silver Spring  
Township  
Cumberland County

PAG2002103006R

Mark Disanto  
5351 Jaycee Avenue  
Harrisburg, PA 17112Conodoguinet Creek  
WWFCumberland County  
Conservation District  
310 Allen Road  
Suite 3  
Carlisle, PA 17013  
(717) 240-5359Cumru Township  
Berks County

PAG2000607079

Mark Naylor  
Governor Mifflin School  
District  
10 South Waverly Street  
Reading, PA 19607Angelica Creek  
CWFBerks County  
Conservation District  
1238 County  
Welfare Road  
Suite 200  
Leesport, PA 19533-9710  
(610) 372-4657, Ext. 201Greene County  
Perry, Dunkard,  
Green and Whiteley  
Townships

PAG2003008002

Equitable Resources  
539 US Highway 33E  
Suite A  
Weston, WV 16452Dunkard Creek and  
Tributaries  
WWF  
Whiteley Creek and  
Tributaries  
WWFGreene County CD  
(724) 852-5278Indiana County  
Blairsville Borough

PAG2003207008

Clark Metal Products Co.  
100 Serell Drive  
Blairsville, PA 15717UNT to Conemaugh  
River  
WWFIndiana County CD  
(724) 463-8547Washington County  
South Strabane  
Township

PAG2006303004R

Maronda Homes  
202 Park West Drive  
Pittsburgh, PA 15275UNT to Chartiers Creek  
WWFWashington County CD  
(724) 228-6774

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Washington County  
Carroll Township

PAG2006308010

Turnpike Commission  
2200 North Central  
Avenue  
New Stanton, PA 15672Taylors Run  
WWFWashington County CD  
(724) 228-6774Lawrence County  
Hickory Township

PAG2003708002

Blaine Forbes  
3340 US Route 422  
New Castle, PA 16101UNT to Neshannock  
Creek  
TSFLawrence Conservation  
District  
(724) 652-4512Venango County  
Polk Borough

PAG2006108002

Ronald Gander  
Department of Welfare  
Polk Center  
P. O. Box 94  
Main Street  
Polk, PA 16342UNT Little Sandy Creek  
CWFVenango Conservation  
District  
(814) 676-2832*General Permit Type—PAG-3**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Quemahoning  
Township  
Somerset County

PAR606202

Putman Brothers, Inc.  
334 East Main Street  
Suite A  
Stoystown, PA 15563

UNT to Wells Creek

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000*General Permit Type—PAG-4**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Dauphin County  
East Hanover  
Township

PAG043583

Marlin Martz  
1127 Manada  
Bottom Road  
Harrisburg, PA 17112UNT Manada Creek  
7DDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Cumberland County  
North Middleton  
Township

PAG043698

Timothy Brenneman  
260 Easy Road  
Carlisle, PA 17013UNT to Conodoguinet  
Creek  
7-BDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Sullivan County  
Laporte Township

PAG045250

Thomas G. Kitchen  
Laporte State Police  
Barracks SFTF  
P. O. Box 183  
Laporte, PA 18626UNT to Mill Creek  
CWFNorthcentral  
Regional Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-3664Quemahoning  
Township  
Somerset County

PAG046273

Robert L. Leib  
770 Lincoln Highway  
Stoystown, PA 15536

UNT to Oven Run

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Jenner Township  
Somerset County

PAG046266

Tim Woy  
P. O. Box 32  
Jennerstown, PA 15547

UNT of Roaring Run

Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>  | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|---|-----------------------------|---|
| Shenango Township<br>Mercer County          | PAG048903         | John E. and<br>Mary A. Daley<br>10 Grange Road<br>New Wilmington, PA<br>16142 | UNT to Buchanan Run<br>20-A | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-9*

| <i>Facility Location: Municipality &amp; County</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                      | <i>Site Name &amp; Location</i>                                    | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|--|---|
| Plainfield Township<br>Northampton County           | PAG092209         | Albert Lawson<br>1261 Church Road<br>Pen Argyl, PA 18072 | Lawson's Septic Service<br>1261 Church Road<br>Pen Argyl, PA 18072 | DEP—NERO<br>2 Public Square<br>Wilkes-Barre, PA<br>18711-0790<br>(570) 826-2511 |

*General Permit Type—PAG-10*

| <i>Facility Location: Municipality &amp; County</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>Receiving Water/Use</i>            | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|---|---------------------------------------|---|
| Huntington Township<br>Luzerne County               | PAG102213         | Transcontinental Gas<br>Pipe Line Corp.<br>2800 Post Oak Boulevard<br>Houston, TX | UNT to Huntington<br>Creek            | DEP—NERO<br>Water Management<br>2 Public Square<br>Wilkes-Barre, PA 18711<br>(570) 826-2511       |
| Fairview Township<br>Butler County                  | PAG108309         | Columbia Gas<br>Transmission Corp.<br>950 Manifold Road<br>Washington, PA 15301   | UNT to the South<br>Branch Bear Creek | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA 16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-12*

| <i>Facility Location &amp; Municipality</i> | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>   |
|---|-------------------|--|----------------------------|---|
| Lancaster County<br>Conoy Township          | PAG123574         | Paul A. Swanger<br>150 Kissel Barrick Road<br>Bainbridge, PA 17502 | UNT to Conoy Creek<br>TSF  | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707 |

## PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit No. 2406545, Operations Permit, Public Water Supply.**

Applicant **EZY Water Development Company**  
410 West Mine Street  
Hazleton PA 18201  
Foster Township

County **Luzerne**

Type of Facility Finished Water Bulk Hauling Facility

Consulting Engineer Dominic Yannuzzi, P. E.  
Alfred Benesch & Company  
One South Church Street  
300 Renaissance Center  
Hazleton, PA 18201

Permit to Operate Issued February 25, 2008

**Permit No. 1307501, Public Water Supply.**

Applicant **Vogel Farm Spring Water**  
174 Dulcey Road  
Weatherly, PA 18255  
Packer Township

County **Carbon**

Type of Facility Bulk Water Hauling

Consulting Engineer Kenneth M. Justice, P. E.  
211 East 11th Avenue  
Conshohocken, PA

Permit to Construct Issued February 12, 2008

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Permit No. 3607515, Public Water Supply.**

Applicant **Elizabethtown VFW Post No. 5667**

Municipality West Donegal Township

County **Lancaster**

Type of Facility Installation of nitrate treatment.

Consulting Engineer Harold J. Light, P. E.  
Light-Heigel & Associates, Inc.  
430 East Main Street  
Palmyra, PA 17078

Permit to Construct Issued February 26, 2008

**Operations Permit** issued to **Columbia Water Company**, 7360123, Columbia Borough, **Lancaster County** on January 23, 2008, for the operation of facilities approved under Construction Permit No. 3607516 E.

**Operations Permit** issued to **Harman Stove Company**, 7220503, Jackson Township, **Dauphin County** on February 29, 2008, for the operation of facilities approved under Construction Permit No. 2207507.

**Operations Permit** issued to **Exelon Nuclear**, 7670805, Peach Bottom Township, **York County** on February 27, 2008, for the operation of facilities approved under Construction Permit No. 6708501 E.

*Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Transfer of Operations Permit** issued to **Greenville Mobile Home Park, Inc.**, PWSID No. 6430039, Hempfield Township, **Mercer County**. Permit Number

4391506-T1, issued February 29, 2008, for the operation of the public water system servicing Greenville MHP, according to specifications approved by Operation Permit No. 4391506, issued February 24, 1994.

**Operations Permit** issued to **Pennsylvania American Water Company**, PWSID No. 6370034, Neshannock Township, **Lawrence County**. Permit Number 3789504-T1-MA2, issued February 29, 2008, for the operation of McQuiston Tank, following repainting, as permitted and according to specifications approved by modification to Construction Permit No. 3789504-T1-MA2, issued December 14, 2006.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>                           | <i>County</i> |
|----------------------------|--|---------------|
| Lower Milford Township     | 7607 Chestnut Hill Church Road<br>Coopersburg, PA 18036-3712 | Lehigh        |

*Plan Description:* The approved plan provides for a low pressure sewerage collection/conveyance system and a 35,000 gpd recirculating sand filter sewage treatment plant with discharge to the Saucon Creek, a tributary of the Lehigh River. The sewage system will serve about 109 Equivalent Dwelling Units from the Village of Limeport plus an area of Hoffman Lane. In addition, the Plan provides for the creation of a township-wide Sewage Management Program for all lots utilizing onsite sewage disposal systems. The Department of Environmental Protection's review has not identified any significant environmental impacts from the proposal. Any required NPDES permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>       | <i>County</i> |
|----------------------------|--|---------------|
| Sheffield Township         | 20 Leather Street<br>Sheffield, PA 16347 | Warren        |

*Plan Description:* The approved plan provides for upgrading the existing Sheffield WWTP to address hydraulic overload conditions, renovating the main sewer line in the Village of Sheffield and extending sanitary sewers to the areas of Barnes, Bull Hill Road, Highway 6 East and Highway 6 North. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>       | <i>County</i> |
|----------------------------|--|---------------|
| Paint Township             | 22139 Route 66<br>Shippenville, PA 16254 | Clarion       |



*Plan Description:* The approved plan provides for the construction of grinder pumps and pressure sewer lines with one pump station to address sewage needs for 62 homes and businesses in the Riverhill area. The sewage will be treated at the Paint-Elk Joint Sewer Authority's WWTP. The solution is consistent with the CO&A dated April 16, 2007. The Department of Environmental Protection's (Department) review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Goshen Terrace Apartment**, West Goshen Township, **Chester County**. David Fennimore, Earth Data Northeast, 924 Springdale Drive, Exton, PA 19341 on behalf of Steve Berger, Pennsylvanian Management Corporation, P. O. Box 1036, Blue Bell, PA 19244 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents and MTBE and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**West Conshohocken MGP Gulp Creek Site**, West Conshohocken Borough, **Montgomery County**. Bruce Middleman, P. G., Jacques Whitford Company, 450 South Gravers Road, Suite 105, Plymouth Meeting, PA 19462 on behalf of Michael Heffron, P. G., PECO Energy-An Exelon Company, 2301 Market Street, S9-1/Philadelphia, PA 19103 has submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Medical Building**, City of Philadelphia, **Philadelphia County**. Stacie Cottone, J & J Spill Services and Supplies Inc., P. O. Box 370, Blue Bell, PA 19422 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Keystone Bank Site**, Ridley Township, **Delaware County**. Joseph Diamadi, Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Richard Cutler, Charles Edward Realty, LP, 191 Presidential Boulevard, Apartment 809, Bala Cynwyd, PA 19004 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Nicholson Steam Trap**, City of Wilkes-Barre, **Luzerne County**. Richard Kranes, Goldman Environmental Consultants, 60 Brooks Drive, Braintree, MA 02184 has submitted a Final Report (on behalf of his client, CIRCOR International, Inc., 25 Corporate Drive, Suite 130, Burlington, MA 01803), concerning the remediation of site groundwater found to have been impacted by volatile organics and inorganics. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submittal of the Final Report was published in *The Times Leader* on February 25, 2008.

**PPL Former Manufactured Gas Plant—Lehighon, SE Corner of SR 209 and SR 443 (Blakeslee Boulevard)**, Lehighon Borough, **Carbon County**. John Mahfood, The Mahfood Group, 260 Millers Run Road, Bridgeville, PA 15017 has submitted a Final Report (on behalf of his client, PPL Gas Utilities Corporation, Two North Ninth Street, Allentown, PA 18101), detailing the remediation of site soils and/or groundwater found to have been impacted by semivolatile organics related to the manufactured gas process. The report was submitted to document attainment of the Statewide Health Standard and the Site-Specific Standard using pathway elimination. Future use of the property will remain nonresidential. A public notice regarding the submittal of the final report was published in *The Times News* on February 6, 2008.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Former Pickelner Fuel Company, Inc. Facility,** Loyalsock Township, **Lycoming County.** Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Pickelner Fuel Company, Inc., 210 Locust Street, Williamsport, PA 17701 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with leaded and unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Reichhold Property,** South Fayette Township, Borough of Bridgeville, **Allegheny County.** Robert Anderson, BB & L, 600 Waterfront Drive, Pittsburgh, PA 15222 (on behalf of Michael Slenska, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Cleanup Plan concerning remediation of site soils contaminated with xylene, styrene, toluene, naphthalene, maleic anhydride, phthalic anhydride, formaldehyde and vanadium pentoxide. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**First Commonwealth Bank,** Borough of Ebensburg, **Cambria County.** Heather W. Gawne, CORE Environmental Services, Inc., 4068 Mount Royal Boulevard, Suite 225 Gamma Building, Allison Park, PA 15101 (on behalf of Don Verobish, First Commonwealth Professional Resources, Inc., Route 220 and North Juniata Street, Hollidaysburg, PA 16648) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with analytes of leaded and unleaded gasoline that is, benzene, toluene, ethyl-benzene, xylenes, meth tertiary-butyl ether and 1,2-ethylene dibromide. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Morgan Advanced Ceramics,** Unity Township, **Westmoreland County.** Steven Lewandowski, Environmental Resources Management, 11676 Perry Highway, Suite 3300, Wexford, PA 15090 (on behalf of Mike Wentzel, Morgan Advanced Ceramics, 100 Cooper Circle, Peachtree City, GA 30269) has submitted a Remedial Investigation Report, Risk Assessment Report, Cleanup Plan and a Final Report concerning remediation of site soil and groundwater contaminated with inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Fenestra Corporation,** Millcreek Township, **Erie County.** Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of the Marmon Group, Inc., 225 West Washington Street, Chicago, IL 60606-3418 has submitted a Risk Assessment Report concerning remediation of site groundwater contaminated with trichloroethene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**ARG Refinery,** City of Bradford, **McKean County.** Conesotga-Rovers & Associates, 651 Colby Drive, Waterloo, Ontario, Canada N2V 1C2, on behalf of ARG Refining Group, Inc., 77 North Kendall Avenue, Bradford, PA 16701 has submitted a Cleanup Plan concerning remediation of site soils contaminated with petroleum refining

related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, benzo(a)pyrene, arsenic, cadmium, lead and site groundwater contaminated with petroleum refining related compounds including, but not limited to, benzene, toluene, ethyl benzene, xylenes, arsenic, iron, aluminum, cadmium, lead and chlorinated hydrocarbons. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**ARMCO Sawhill Tube (John Maneely Co.—Sharon Pipe Plt),** City of Sharon, **Mercer County.** ENVIRON International Corporation, 1760 Market Street, Suite 1000, Philadelphia, PA 19103 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Remediation Investigation Report concerning remediation of site soil contaminated with ethyl benzene, tetrachlorethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, Benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium, zinc and groundwater contaminated with 1,2,4-Trichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl) phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium, zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If re-

quired, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Sun Cleaners**, Lower Merion Township, **Montgomery County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Norristown, PA 19401 on behalf of Kevin McClernon, KMACK, LLC—Kevin McClernon, 1200 Liberty Ridge Drive, Suite 320, Wayne, PA 19087 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report was disapproved by the Department of Environmental Protection on February 28, 2008.

**Herskowitz Property**, City of Philadelphia, **Philadelphia County**. Michael Malon, SECOR International Incorporated, 102 Pickering Way, Suite 20, Exton, PA 19341, Stephen Gonzalski, Atlantic Richfield Avenue, 1 West Pennsylvania Avenue, Towson, MD 21204 on behalf of Henry and Robert Herskowitz, Herskowitz, Rosen & Walton, Inc., 1001 South Kings Highway, Cherry Hill, NJ 08034 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 14, 2008.

**Twins at Frankford Creek**, City of Philadelphia, **Philadelphia County**. Charlene Drake, React Environmental Professional Services Group, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Michael Schurr, OKKS Development, LP, 3333 Street Road, Suite 101, Bensalem, PA 19020 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site groundwater and soil contaminated with chlorinate solvents. The Remedial Investigation/Cleanup Plan was approved by the Department of Environmental Protection on February 15, 2008.

*Northeast Region: Ronald S. Brezinski, Regional Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Former Hospital Central Services Corporation (HCSC) Property**, City of Scranton, **Lackawanna**

**County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, Kelbri Development, LLC, 800 James Street, Second Floor, Scranton, PA 18510), concerning the remediation of site soils found to have been impacted by volatile and semi-VOCs. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on February 26, 2008.

**Cranberry Creek Gateway Park Project—Northern Parcel former Quarry Area**, Hazle Township, **Luzerne County**. Lori Girvan, Barry Isett & Associates, Inc., P. O. Box 2562, Hazleton, PA 18201 submitted a Final Report (on behalf of her client, CAN DO, Inc., 1 South Church Street, Suite 200, Hazleton, PA 18201), concerning the remediation of soils found to have been contaminated with petroleum related compounds as the result of an equipment spillage near the former quarry. The report demonstrated attainment of the Residential Statewide Health Standard for soils and was approved on February 28, 2008.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Ambridge Area Brownfields Multiple Properties (11th—19th Streets)**, Borough of Ambridge, **Beaver County**. Frank W. Benacquista, P. G. CEI, KU Resources Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Ambridge Borough, 600 11th Street, Ambridge, PA 15003 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with PCB, lead, heavy metals, Pahs, SVOCs and VOCs above Act 2 Standards and groundwater contaminated with lead, heavy metals, SVOCs and VOCs. The Remedial Investigation Report was approved by the Department of Environmental Protection on May 17, 2007.

**I Richman Company, Inc.**, Canton Township **Washington County**. Cathy G. Hainaut, Gregg, Inc., P. O. Box 4544, Eighty Four, PA 15330 on behalf of John W. Richman Company, Inc., P. O. Box 232, Washington, PA 15301 and Franklin S. Gregg, Sr., Gregg, Inc., 2329 Hill Church-Houston Road, Canonsburg, PA 15317 has submitted a Cleanup Plan and a Final Report concerning the remediation of site soil contaminated with lead and PCBs. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on September 12, 2007.

**Oakmont Riverfront Community**, Borough of Oakmont **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Daniel Mancosh, Brooks and Blair Waterfront Properties, LP, 5541 Walnut Street, Pittsburgh, PA 15232-2352 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with arsenic iron and lead concentrations that exceed Statewide Health Standard. Manganese concentrations in site groundwater exceed Statewide Health Standards for used aquifers. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on October 19, 2007.

**Siemens Power Generation, Inc., Property**, Borough of Glassport, **Allegheny County**. David Nakles, ENSR Corporation, 4075 Monroeville Boulevard, Building II, Suite 400, Monroeville, PA 15146 on behalf of Siemens Westinghouse Power Corporation, 4400 Alafaya Trail, Orlando, FL 32823-2399 has submitted a Remedial Inves-

tigation Report, Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil contaminated with lead, PCBs and solvents. The Remedial Investigation, Risk Assessment and Cleanup Plan were approved by the Department of Environmental Protection on February 5, 2008.

**Heth's Run, Pittsburgh Zoo Property**, City of Pittsburgh, **Allegheny County**. Wendy Noe, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848 on behalf of Dan Sentz, City of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with inorganics. The Remedial Investigation Report was approved by the Department of Environmental Protection on February 4, 2008.

**Tri-State Petroleum Corp., Exxon No. 22369**, City of Pittsburgh, **Allegheny County**. Heather W. Gawne, CORE Environmental Services Inc., 4068 Mount Royal Boulevard, Allison Park, PA 15101 on behalf of Brian Clinton, Paradise Development Company, 115 Federal Street, Suite 200, Pittsburgh, PA 15212 and Colleen McGlinn, Tri-State Petroleum Corporation, North 27th and Vance Avenues, Wheeling, WV 26003 has submitted a Final Report concerning the remediation of site soil contaminated with Paks. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 19, 2007.

*Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Former Fenestra Corporation**, Millcreek Township, **Erie County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of the Marmon Group, Inc., 225 West Washington Street, Chicago, IL 60606-3418 has submitted a Risk Assessment Report concerning the remediation of site groundwater contaminated with trichloroethene. The Risk Assessment Report was approved by the Department of Environmental Protection on January 29, 2008.

#### **OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 100281. Greenridge Reclamation Landfill**, Greenridge Reclamation, LLC, R. D. 1, Box 717, Landfill Road, Scottdale, PA 15683. Operation of a municipal waste landfill in East Huntingdon Township, **Westmoreland County**. Permit modification for the Southern Highwall Removal issued in the Regional Office on February 29, 2008.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

**Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code**

**§ 287.611 relating to authorization for general permit).**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR028SC01. Kinsley Construction, Incorporated**, 2700 Water Street, York, PA 17405

The Department of Environmental Protection (Department) has received an application from Kinsley Construction for the use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner, or a component or ingredient in the manufacturing of construction products. This determination of applicability is for two of their plants; one located at their Codorus Facility, 135 Mundis Race Road, Manchester Township, York, PA 17404 and the other located at their O-N Minerals Plant, 2305 Lemon Street, West Manchester Township, York, PA 17404.

Persons wishing to comment on the application are invited to submit a statement to the Southcentral Regional Office within 60 days from the date of this public notice. Comments received within this 60-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 60-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Persons interested in reviewing the general permit should contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users should contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### **AIR QUALITY**

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**15-329-005GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 29, 2008, to operate a diesel engines in East Whiteland Township, **Chester County**.

**46-329-025GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 29, 2008, to operate a diesel engine in West Pottsgrove Township, **Montgomery County**.

**15-310-052GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 29, 2008, to operate a portable crushing plant in East Whiteland Township, **Chester County**.

**46-310-070GP: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on February 29, 2008, to operate a portable crushing plant in West Pottsgrove Township, **Montgomery County**.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Neal Elko, New Source Review Chief, (570) 826-2531.*

**48-310-073GP3: IESI PA Corp.—Bethlehem Landfill** (2335 Applebutter Road, Bethlehem, PA 18015) on February 27, 2008, to construct and operate a Portable Crushing Operation with water sprays at their site in Saucon Township, **Northampton County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**GP1-06-03073B: Giorgio Foods, Inc.** (P. O. Box 96, Temple, PA 19560) on February 28, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Maiden Creek Township, **Berks County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**15-0060E: Southeastern Chester County Refuse Authority** (P. O. Box 221, Kennett Square, PA 19348) on February 27, 2008, to operate an internal combustion engine in London Grove Township, **Chester County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**36-03171: New Holland Concrete** (P. O. Box 550, Blue Ball, PA 17506) on February 28, 2008, to combust treated landfill gas in the facility's boiler in East Earl Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**18-318-014: Belles Springs Structures, LLC** (P. O. Box 205, Mill Hall, PA 17751) on February 27, 2008, for the construction of a wood storage shed and gazebo surface coating operation and associated gluing and sealing operations in Lamar Township, **Clinton County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Sachin Shankar, New Source Review Chief, (484) 250-5920.*

**46-0011D: ArcelorMittal USA** (900 Conshohocken Road, Conshohocken, PA 19428) on February 26, 2008, to operate a filter dust collector in Plymouth Township, **Montgomery County**.

**23-0024D: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044) on February 26, 2008, to operate two baghouses in Middletown Township, **Delaware County**.

**23-0001Z: Sunoco, Inc.—R & M** (100 Green Street, Marcus Hook, PA 19061-0426) on February 27, 2008, to operate four boilers in Marcus Hook Borough, **Delaware County**.

**09-0156: Jolly Gardener Products, Inc.** (500 East Pumping Station Road, Quakertown, PA 18951) On February 26, 2008, to operate two diesel engines and wood processing in Richland Township, **Bucks County**.

**09-0156A: Jolly Gardener Products, Inc.** (500 East Pumping Station Road, Quakertown, PA 18951) on February 26, 2008, to operate three diesel fired engines in Richland Township, **Bucks County**.

**09-0175: Hanson Aggregates BMC, Inc.** (1900 Sullivan Trail, Easton, PA 18040) on February 28, 2008, to operate new pit conveyors in Wrightstown Township, **Bucks County**.

**09-0174: Liberty Coating Co., LLC** (21 South Steel Road, Morrisville, PA 19067-3614) on February 28, 2008, to operate surface coating in Falls Township, **Bucks County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.*

**25-00025F: New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664) on February 28, 2008, for a stone crushing/screening operation to allow time for the completion of the initial operating permit inspection at the Bakersville Quarry in Jefferson Township, **Somerset County**. This is a Plan Approval Extension.

**04-00033B: Nova Chemicals** (400 Frankfort Road, Monaca, PA 15061) on February 28, 2008, for additional time for submittal and review of the test results at Beaver Valley Plant in Potter Township, **Beaver County**. This is a Plan Approval Extension.

**65-00966A: Greensburg Thermal, LLC—SCI Greensburg** (755 Opossum Lake Road, Carlisle, PA 17015) on February 29, 2008, in Hempfield Township, **Westmoreland County**. The company has requested additional time to perform stack testing as well as for submission and review of test reports. This is a Plan Approval Extension.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.*

**33-175A: Matson Lumber Co.** (132 Main Street, Brookville, PA 15825) on February 29, 2008, to construct a wood fired boiler in Union Township, **Jefferson County**.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**16-00133: Clarion Bathware, Inc.** (16273 Route 208, Marble, PA 16334) on February 29, 2008, to reissue a Title V Permit to operate a fiberglass bathware manufacturing facility in Washington Township, **Clarion County**. The facility's major emission sources include the resin and gelcoat operations, miscellaneous natural gas usage, custom, acrylic and mold shops, saws and grinders. The facility is a major facility due to its potential to emit of

VOCs and Styrene. The facility is subject to 40 CFR Part 63, Subpart WWWW—National Emissions Standards for HAPs: Reinforced Plastic Composites Production.

**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**46-00155: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) on February 25, 2008, for a State-only (Synthetic Minor) Operating Permit in Limerick Township, **Montgomery County** for Sermatech International, Inc. Sermatech applies extreme performance coatings to various components and parts for the aerospace and industrial gas turbine industries. The primary pollutants emitted from the facility are VOCs and PM, most of which result from the operation of two paint booths, a batch vapor degreaser (VOCs only) and a binder mix tank (PM only). The paint booths are equipped with paint arrestor filters and carbon filters to control PM and VOC emissions, respectively. To avoid being a major source of VOC emissions, the facility is subject to a VOC emission restriction of 18.4 tpy. Also, the paint booths are subject to source-level VOC emission restrictions of 3.5 and 2.6 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00094: CCL Label, LLC** (1515 Garnet Mine Road, Boothwyn, PA 19061) on February 27, 2008, for operation of the rotogravure printing press and automated parts washer equipment at their plant located in Boothwyn Township, **Delaware County**. The permit is for a non-Title V (State-only) facility. The proposed permit will incorporate conditions from the previously issued Plan Approval Nos. 23-0094 and 23-0094A. It will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00027: 3M—Dyneon, LLC** (50 Milton Drive, Aston, PA 19014) on February 29, 2008, for a renewal Non-Title V Facility, State-only, Synthetic Minor Permit in Chester Township, **Delaware County**. 3M/Dyneon, LLC are a manufacturing custom compound purchased resins facility. The facility has taken a site level restriction of 10 tpy of VOC's on a 12-month rolling period. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00082: Downingtown Area School District** (445 Manor Avenue, Downingtown, PA 19335) on February 29, 2008, for operation of seven boilers which provide heat to the campus buildings in Downingtown Borough, **Chester County**. This action is a renewal of the State-only Operating Permit (Synthetic Minor). The original State-only Operating Permit was issued on November 18, 2002. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Neal Elko, New Source Review Chief, (570) 826-2531.*

**40-00106: Unison Engine Components, Inc.** (710 Crestwood Drive, Mountain Top, PA 18707) on February 28, 2008, to issue a State-only (Natural Minor) Operating Permit for operation of a ring splitter saw and associated

air cleaning device incorporating the requirements of operating permit 40-399-056 for their facility in Wright Township, **Luzerne County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**38-03035: V & S Lebanon Galvanizing, LLC** (1000 Buckeye Park Road, Columbus, OH 43207-2509) on February 28, 2008, to operate a hot dip galvanizing facility in Union Township, **Lebanon County**. This is a renewal of the State-only operating permit.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, Facilities Permitting Chief, (814) 332-6940.*

**25-00964: FMCTI/Smith Meter** (16022 Wagner Avenue, Erie, PA 16514) on February 29, 2008, the Department of Environmental Protection re-issued Natural Minor Operating Permit in the City of Erie, **Erie County**. The facility's primary sources of emissions are facility heaters, surface coating operations and associated equipment.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**N07-005: Verizon Pennsylvania, Inc.—Locust Central Office** (1631 Arch Street, Philadelphia, PA 19103) on February 27, 2008, to operate a telecommunications facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two 1,500-kilowatt emergency generators firing diesel fuel oil.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**09-00009: Webcraft, LLC** (4371 County Line Road, Chalfont Borough, Bucks County, PA 18914) on February 27, 2008, for an administrative amendment to the Title V Operating Permit at their facility in New Britain Township, **Bucks County**. The facility is a direct mail printer that operates six heatset offset lithographic printing presses. The permit is being amended to address issues contained in the Amended Notice of Appeal (EHB Docket No. 2007-200-R). The amended Title V Operating Permit will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00001: Smithfield Beef Group Souderton** (741 Souder Road, Souderton, PA 18964) on February 29, 2008, a meat-packing and rendering plant, which emits major levels of NOx, in Franconia Township, **Montgomery County**. Minor Modification of Title V Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses a change to an allowable pressure drop range for the Batch Venturi Scrubber (Source ID C01); an emergency generator (Source ID 109) has been removed from the permit; and typographical errors in the rated capacities of various units have been corrected throughout the permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-03124: James Hardie Building Products, Inc.** (318 June Avenue, Excelsior Industrial Park, Blandon, PA 19510-9566) on February 25, 2008, to operate their fiber cement siding manufacturing plant in Maidencreek Township, **Berks County**. This State-only operating permit was administratively amended to change names on their operating permit. This is Revision No. 1.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.*

**59-00004: Ward Manufacturing, LLC** (117 Gulick Street, Blossburg, PA 16912) on February 26, 2008, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to transfer an operating permit from Ward Manufacturing, Inc. to Ward Manufacturing, LLC in Blossburg Borough, **Tioga County**.

#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.*

**OP-03-00170: Sylvan America, Inc.** (199 Nolte Drive, Kittanning, PA 16201) De Minimis emission increase of 0.876 ton of NOx per year, 0.675 ton of CO per year and lesser amount of other pollutants resulting from the installation of a 2.0 mmBtu/hr gas-fired dryer on or about February 1, 2008, at the West Hills Spawn Plant located in East Franklin Township, **Armstrong County**.

**TV-OP-65-00181: Chestnut Ridge Foam, Inc.** (P. O. Box 781, Latrobe, PA 15650) De Minimis emission increase of 0.118 ton of NOx per year and lesser amount of other pollutants resulting from the installation of a 400,000 Btu/hr gas-fired heater on or about September 1, 2007 at the Latrobe Plant located in Derry Township, **Westmoreland County**.

### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21).** The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

#### *Coal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**56050104 and NPDES No. PA0249777. Hoffman Mining, Inc.,** P. O. Box 130, 118 Runway Road, Friedens, PA 15541, revision of an existing bituminous surface mine to add 20.7 acres to the existing permit boundary in Paint Township, **Somerset County**, affecting revised area of 161.7 acres. Receiving streams: Shade Creek and UNTs to Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 25, 2007. Permit issued February 25, 2008.

**32070104 and NPDES No. PA0262404. P & N Coal Co., Inc.,** P. O. Box 332, Punxsutawney, PA 15767, commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 137.3 acres. Receiving streams: UNT to South Branch of Bear Run, UNT to Cush Creek, UNT to Brady Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 3, 2007. Permit issued February 25, 2008.

**32070107 and NPDES No. PA0262455, Britt Energies, Inc.,** 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface auger and blasting mine in Center Township, **Indiana County**, affecting 19.7 acres. Receiving streams: UNT to Yellow Creek and UNTs to Tearing Run both to Two Lick Creek to Blacklick Creek to Conemaugh River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2007. Permit issued February 28, 2008.

**31070101 and NPDES No. PA0262315. Ferlitch Construction Company, Inc.,** 1655 Juniata Lane, Box 205, Altoona, PA 16602, commencement, operation and restoration of a bituminous surface mine in Wood Township, **Huntingdon County**, affecting 41.0 acres. Receiving streams: UNTs to Great Trough Creek, Roaring Run Basin classified for the following uses: TSF, HQ-CWF. The first downstream potable water supply intake from the point of discharge is N/A. The application also includes a request for a variance to the 100 foot barrier of UNT to Great Trough Creek No. 1. The variance is being requested in order to use and maintain an existing access road. The variance begins at a point approximately 2,700 feet northeast of the intersection of SR 913 and the existing access road and continues northeastward for a distance of approximately 200 feet and extends 50 feet on either side of the centerline of the access road. Application received February 21, 2007. Permit issued February 28, 2008.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.*

**30050103 and NPDES Permit No. PA0250759. Duquesne Light Company** (411 Seventh Avenue, P. O. Box 1930, Pittsburgh, PA 15219-1930). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Monongahela Township, **Greene County**, affecting 37.0 acres. Receiving streams: Sandy Run and the Monongahela River. Application received July 6, 2005. Permit issued February 27, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**17970118 and NPDES No. PA0237841. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for reclamation only of a bitumi-



nous surface mine in Decatur Township, **Clearfield County**, affecting 71.6 acres. Receiving streams: Shimmel Run. There are no potable water supply intakes within 10 miles downstream. Application received January 2, 2008. Permit issued February 12, 2008.

**17020106 and NPDES No. PA0243264. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for reclamation only of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 169.0 acres. Receiving streams: UNT A to UNT B to Deer Creek to the West Branch Susquehanna River to the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received December 27, 2008. Permit issued February 11, 2008.

**17910112 and NPDES No. PA0206601. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for reclamation only of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 119.1 acres. Receiving streams: two UNTs to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received January 16, 2008. Permit issued February 21, 2008.

**17040103 and NPDES No. PA0243744. Hepburnia Coal Company** (P. O. Box I, Grampian, PA 16838). Revision of an existing bituminous surface mine to add 3.8 acres in Knox Township, **Clearfield County**, affecting 57.1 acres. Receiving streams: UNT to Little Clearfield Creek to Clearfield Creek to West Branch Susquehanna, classified for the following uses: CWF, CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received October 17, 2007. Permit issued February 22, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**54920202R2 and NPDES Permit No. PA0223581. DiRenzo Coal Company**, (1389 Bunting Street, Pottsville, PA 17901), renewal of an existing anthracite coal refuse reprocessing and disposal operation and NPDES Permit for discharge of treated mine drainage in Branch Township, **Schuylkill County** affecting 18.9 acres, receiving stream: Carp Creek. Application received May 14, 2007. Renewal issued February 27, 2008.

**54-305-007GP12. Stoudt's Ferry Preparation Co., Inc.**, (P. O. Box 279, St. Clair, PA 17970), general operating permit to operate a coal preparation plant (on SMP No. 54020201) in Mahanoy Township, **Schuylkill County**. Application received February 15, 2008. Permit issued February 27, 2008.

**13070101. Keystone Anthracite Marketing Corp.**, (P. O. Box 126, Paxinos, PA 17860), commencement, operation and restoration of an anthracite surface mine operation with coal ash placement in Nesquehoning Borough, **Carbon County** 252.3 acres, receiving stream: none. Application received March 21, 2007. Permit issued February 28, 2008.

#### *Noncoal Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32020301 and NPDES Permit No. PA0249149. Ridge Energy Company, Inc.**, 265 Swamp Road, Clymer, PA 15728, renewal of NPDES Permit in Cherryhill Township, **Indiana County**. Receiving streams: Rose Run classified for the following use: CWF. The first downstream potable water supply intake from the point

of discharge is PA American Water Company—Indiana on Two Lick Creek. NPDES renewal application received December 20, 2007. Permit issued February 22, 2008.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**12960802. Robert V. Rupp** (P. O. Box 325, Emporium, PA 15834), noncoal mining operation in Shippen Township, **Cameron County**. Restoration of 1.0 acre completed. Application received January 14, 2008. Final bond release February 29, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**58070854. Michael E. Stanton**, (R. R. 2, Box 156, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 2.0 acres, receiving stream: none. Application received September 26, 2007. Permit issued February 29, 2008.

### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Actions*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**28084104. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is February 28, 2009. Permit issued February 22, 2008.

**28084103. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Chambersburg Borough, **Franklin County**. Blasting activity permit end date is February 28, 2009. Permit issued February 22, 2008.

**21084014. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-0424, blasting activity permit issued for single dwelling development in West Pennsboro Township, **Cumberland County**. Blasting activity permit end date is February 14, 2009. Permit issued February 22, 2008.

**21084108. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-0424, blasting activity permit issued for warehouse development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is February 18, 2009. Permit issued February 22, 2008.

**01084013. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-0424, blasting activity permit issued for utility development in Tyrone Township, **Adams County**. Blasting activity permit end date is February 14, 2009. Permit issued February 22, 2008.

**21084105. Warrens Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344-0902, blasting activity permit issued for residential development in



Silver Spring Township, **Cumberland County**. Blasting activity permit end date is February 1, 2009. Permit issued February 22, 2008.

**21084107. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for cemetery development in Lower Allen Township, **Cumberland County**. Blasting activity permit end date is February 28, 2009. Permit issued February 22, 2008.

**01084103. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for utility development in Straban Township, **Adams County**. Blasting activity permit end date is February 14, 2009. Permit issued February 22, 2008.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.*

**38084124. Geological Technologies, Inc.**, (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Eden Road Pump Station in Manheim Township, **Lancaster County** with an expiration date of June 30, 2008. Permit issued February 28, 2008.

**36084125. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Weiler Poured Walls Warehouse in Ephrata Township, **Lancaster County** with an expiration date of April 30, 2008. Permit issued February 28, 2008.

**36084126. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Wellsley Manor in Manheim Township, **Lancaster County** with an expiration date of February 15, 2009. Permit issued February 28, 2008.

**36084127. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Parkside Development in East Hempfield Township, **Lancaster County** with an expiration date of February 15, 2009. Permit issued February 28, 2008.

**36084128. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in East Lampeter Township, **Lancaster County** with an expiration date of April 30, 2008. Permit issued February 28, 2008.

**67084104. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Pleasant View in Fairview Township, **York County** with an expiration date of February 15, 2009. Permit issued February 28, 2008.

**67084105. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Whisper Run in Windsor Township, **York County** with an expiration date of February 15, 2009. Permit issued February 28, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317)

and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.*

**E09-912. Somerton Valley Homes, LP**, One Wilson Avenue, Suite 2, Bristol, PA 19007, Bensalem Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Somerton Homes Residential Subdivision:

1. To construct and maintain the Highland Lane culvert crossing of a UNT of Poquessing Creek and 0.37-acre of adjacent wetland. The structure consists of 60 linear feet of 54-inch Reinforced Concrete Pipe (RCP), manholes, endwalls, 18-inch RCP stormwater outfall and 8-inch water line.

2. To construct and maintain the Greystone Court stream enclosure crossing of an unnamed perennial tributary of Poquessing Creek and 0.01-acre of adjacent wetland. The enclosure is also associated with Lots 48 and 49. The structures consist of endwall 76, 24 linear feet of 48-inch by 76-inch RCP, manhole 79, 47 linear feet of 48-inch by 76-inch RCP and endwall 80. The crossing also includes an 8-inch waterline.

3. To install and maintain an 8-inch diameter sanitary sewer line crossing of an unnamed perennial tributary of Poquessing Creek and adjacent wetlands at two locations.

The site is located near the intersection of Cartess Mill and Somerton Roads (Langhorne, PA N: 0.3 inch; W: 15.5 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

*Northeast Regional Office, Watershed Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**E40-680. Department of Transportation—Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Dennison Township, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To remove the existing structure and to construct and maintain a road crossing of Creasy Creek (HQ-CWF) consisting of a 18-foot by 6-foot concrete box culvert with its invert depressed 1 foot with fish baffles. The project is located along SR 437, Segment 0080, Offset 0812 (White Haven, PA Quadrangle N: 17.1 inches; W: 9.6 inches).

**E40-670. Andrew Kopczynski. Amber Woods II Subdivision Public Road Crossing**, Stormwater Outfall and Gas Distribution Line Crossing Browns Creek, Lehman Township, **Luzerne County**, ACOE Baltimore District (Kingston, PA Quadrangle Latitude: 41° 18' 12.5"; Longitude: 75° 59' 32.0").

These permits authorize the permittee to construct, operate and maintain a public road crossing Browns Creek; construct, operate and maintain a 2-inch diameter gas distribution line beneath Browns Creek and associated wetlands; and operate and maintain treated stormwater outfalls along wetlands associated to Browns Creek for final development of residential lots within the Amber Woods II Subdivision. The public road crossing shall be constructed with a single 60-inch diameter corrugated metal culvert pipe having a minimum length of 60-feet and being depressed into the stream channel a minimum of 0.5-feet. Construction and future maintenance of the road crossing shall be during stream low flow and completed in dry work areas by dam and pumping or fluming stream flow around work areas. Construction of the 2-inch diameter gas distribution line shall be accomplished by boring beneath the waterway and associated wetlands. The project is located along the south eastern right-of-way of Jackson Road approximately 1,400-feet southwest of old SR 115 and Jackson Road intersection. Construction of the public road crossing permanently impacts 0.07-acre of wetland, for which the permittee shall mitigate with 0.103-acre of onsite replacement wetlands. Replacement wetlands required to mitigate impacts associated construction of the public road crossing authorized by this permit are combined with additional replacement wetlands the permittee was obligated to construct under E40-543.

*Southcentral Region: Water Management Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**E01-269: Jeff Seifert**, 202 West King Street, East Berlin, PA 17316, Menallen Township, **Adams County**, ACOE Baltimore District.

To construct and maintain a 5-foot 9-inch high by 17.5-foot wide by 15-foot long Longspan open bottom culvert in a UNT to Oppossum Creek (TSF) (Arendtsville, PA Quadrangle Latitude: 39° 5' 43"; Longitude: 77° 15' 20", N: 22.0 inches; W: 1.1 inches) in Menallen Township, Adams County.

**E34-119: Mifflintown Municipal Authority**, Route 333 West, P. O. Box 36, Mifflintown, PA 17059, Milford Township, **Juniata County**, ACOE Baltimore District.

To construct and maintain a twin 10.0-inch diameter by 435.0-foot long raw water intake and a 60.0-foot by 60.0-foot raw water pump station in and along the right bank of Juniata River (WWF) (Mifflintown, PA Quadrangle N: 18.4 inches; W: 7.6 inches, Latitude: 40° 36' 06"; Longitude: 77° 25' 45"), a 12.0-inch by 15.0-foot long water line crossing with concrete casing in a UNT to Juniata River (CWF) (Mifflintown, PA Quadrangle N: 13.8 inches; W: 3.3 inches, Latitude: 40° 34' 36"; Longitude: 77° 23' 55") and a 8.0-inch by 20.0-foot long water line crossing with a concrete casing in Schweyer Run (CWF) (Mexico, PA Quadrangle N: 15.36 inches; W: 16.6 inches, Latitude: 40° 35' 04"; Longitude: 77° 22' 10") in Milford Township, Juniata County.

*Northcentral Region: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E17-437. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. Application for SR 0879 Section A02, Bridge Replacement Project over West Branch of the Susquehanna River, Lawrence Township, **Clearfield County**, ACOE Susquehanna River Basin District, (Glen Ritchey, PA Quadrangle N: 21.82; W: 12.24 inches).

To remove an existing 348-foot long, three-span continuous steel through plate girder bridge and construct, operate and maintain a prestressed concrete bulb-tee beam bridge with reinforced concrete abutments. The new structure will have a curb-to-curb width of 52 feet and normal crown across the structure. The new structure will have three spans of 122 feet, 123 feet and 122 feet and a minimum underclearance of 13 feet 2 inches and a skew of 47° and will carry vehicle traffic across West Branch Susquehanna River, SR 0879, Section A02, in Lawrence Township, Clearfield County.

This project proposes to have a minimal impact to West Branch Susquehanna River, which is listed as a WWF. This project proposes 1.1 acres of temporary wetland impact and 0.04 acre of de minimis impact to jurisdictional wetlands. This permit also includes 401 Water Quality Certification.

**E18-427. Department of Conservation and Natural Resources, Bureau of Forestry**, P. O. Box 8451, Harrisburg, PA 17105-8451. Water Obstruction and Encroachment Joint Permit, in Chapman Township, **Clinton County**, ACOE Baltimore District (Slate Run, PA Quadrangle N: 41° 27' 26"; W: 77° 36' 21").

To construct and maintain single span concrete box beam bridge with a span of 30 feet, an underclearance of 6 feet on a skew of 90° over Young Womans Creek (HQ-CWF) as well as a precast concrete box culvert with a span of 24 feet, an underclearance of 6 feet on a skew of 78° over Lebo Run (HQ-CWF). The projects will impact a total of 0.007 acre of wetland while impacting 215 linear feet of waterway. The projects are located along Fork Hill Road over Lebo Run and Young Womans Creek in Chapman Township, Clinton County.

**E49-299. Milton Regional Sewer Authority**, P. O. Box 433, 5585 S. PA Route 405, Milton, PA 17847. Pump Station in the Floodfringe of the West Branch of the Susquehanna River, in Milton Borough, **Northumberland County**, ACOE Baltimore District (Milton, PA Quadrangle N: Latitude 41° 0.0' 36.6"; Longitude 76° 51' 26.7").

To construct, operate and maintain a new 10 inch force main, a new pump station and associated utilities in the floodplain of the West Branch of the Susquehanna River. This project is located 1,000 feet east on Cameron Street from the intersection with SR 405. This permit was issued under Section 106.12(e) "Floodplain Management."

*Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E03-354-A2. Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. To construct an access road to Crooked Creek in Plumcreek Township, **Armstrong County**, Pittsburgh ACOE District (Elderton, PA Quad-range N: 6.5 inches; W: 12.4 inches, Latitude: 40° 39' 39"; Longitude: 79° 29' 30"). To construct and maintain the following structures in the UNT 1 to Crooked Creek (WWF) for the purpose of upgrading the coal-fired power plant with a flue gas desulfurization scrubber and associated pipeline located at the existing Keystone Generating Station:

1. To remove the existing 24-inch diameter pipe culvert, under the existing road located approximately 110 ft. upstream of the confluence with Crooked Creek (WWF) and to construct and maintain a structure consisting of two side by side 25 ft. long, 8 feet wide by 4.17 feet high arch culverts with natural bottom.

2. To remove the existing 48-inch pipe culvert under the existing road, located 260 feet upstream from the confluence with Crooked Creek and to construct and maintain a 25-ft. long, 8 feet wide by 4.17 feet high arch culvert with natural bottom located approximately 300 feet upstream from the confluence with Crooked Creek.

3. To construct and maintain a 175-ft. long, 8 feet wide by 4.17 feet high arch culvert with natural bottom under a proposed rail cradle, located approximately 600 feet upstream from the confluence with Crooked Creek.

4. To operate and maintain an existing 50-ft. long, 60-inch diameter pipe culvert under an existing access road, located approximately 920 feet upstream from the confluence with Crooked Creek.

5. To operate and maintain an existing 50-ft. long, 60-inch diameter pipe culvert under the existing railroad track, located approximately 1,180 feet upstream from the confluence with Crooked Creek.

6. To construct and maintain a 115-ft. long, 8 feet wide by 4.17 feet high arch culvert with natural bottom under a proposed access road and the upstream side of the existing 60" diameter culvert, located approximately 1,300 feet upstream from the confluence with Crooked Creek.

7. To operate and maintain an existing 220-ft. long, 60-inch diameter pipe culvert under an existing ash haul road, located 2,080-ft. upstream of the confluence with Crooked Creek.

8. To operate and maintain an existing 120-ft. long, 60-inch diameter pipe culvert under an existing railroad track, located approximately 2,340-ft. upstream from the confluence with Crooked Creek.

9. To operate and maintain an existing 170-ft. long, 60-inch diameter pipe culvert under an existing access road, located approximately 2,580-ft. upstream from the confluence with Crooked Creek.

10. To operate and maintain an existing 70-ft. long, 48-inch diameter pipe culvert under an existing access

road located approximately 2,720-ft. upstream from the confluence with Crooked Creek.

To reconstruct and maintain approximately 200 feet of UNT 2 to Crooked Creek for the creation of an access road.

To operate and maintain an existing 75 foot long 36-inch diameter Corrugated Metal Pipe (CMP) and to construct and maintain a new 65 foot long 42-inch diameter CMP with a 25 foot long channel change on the upstream end and a 75 foot long channel change on the downstream end, located approximately 50 feet downstream from the existing 36-inch CMP culvert, in UNT 5 to Crooked Creek.

To construct and maintain a 205 foot long 18-inch diameter CMP with a 20 foot long channel change at the downstream end of the culvert and approximately 50 feet of channel change at the upstream end of the Culvert, in UNT 6 to Crooked Creek.

To operate and maintain an existing 36 foot long, 48-inch diameter CMP, which connects to a drop inlet, which connects to 4 existing side by side 48 foot long, 24-inch diameter CMP's, which will connect to 4 new side by side 126-foot long, 24-inch diameter CMP's, for the proposed rail cradle, in UNT 7 to Crooked Creek.

To construct, relocate and maintain the following new activities and to operate and maintain the existing structures, in a UNT to Crooked Creek, locally named the Panama Canal:

1. A stilling basin approximately 30 feet long, connected to a 127 foot-long 36-inch diameter CMP, which will be connected to a 474-foot long, 42-inch diameter CMP, with a 32 foot long reconstructed channel at the downstream end of the 42-inch diameter CMP.

2. Then, starting approximately 1,300 feet downstream of the reconstructed channel, place a 36-inch diameter CMP extension approximately 65 feet long at the upstream end of an existing 22-foot long, 36-inch diameter CMP culvert. This connects to an existing overhead aqueduct, which is approximately 100 feet long, which leads to an existing 20-foot long, 36-inch diameter CMP, which will be extended approximately 60 feet with a new 36-inch diameter CMP.

3. Then, starting approximately 540 feet downstream of the new 36-inch diameter culvert, to relocate approximately 1,300 feet of channel which will connect to a 48-inch diameter CMP approximately 200 feet long with a 20-foot long reconstructed channel at the downstream end of the culvert.

To eliminate 365 feet of a UNT to Crooked Creek, identified as Existing Channel, to create their wetland mitigation site.

To construct and maintain a 111-foot long, 36-inch diameter CMP in a UNT to Crooked Creek, identified as Swale 3, for their rail cradle.

To operate and maintain an existing 36-foot long, 36-inch diameter reinforced CMP for an access road and to construct and maintain a new 163-foot long 36-inch diameter CMP for their rail cradle, in a UNT to Crooked Creek, identified as Swale 4.

All streams except UNT No. 1 have a contributory drainage area of less than 100 acres.

**E04-258A2. Colona Transfer LP**, P. O. Box 311, Portersville, PA 16051. To construct and maintain an additional barge docking facility in Monaca Borough, **Beaver County**, Pittsburgh ACOE District (Beaver, PA

Quadrangle N: 10.8 inches; W: 1.5 inches, Latitude: 40° 40' 52"; Longitude: 80° 15' 31"). To amend Permit No. E04-258 to include the construction and maintenance of an additional barge docking facility 700.0 feet in length by 112.0 feet in width in the channel and along the left bank of the Ohio River (WWF) for the purpose of providing addition barge facility space located approximately 3,600 feet upstream from the SR 51 bridge and will impact approximately 1.25 acres of open water.

**E26-229-A1. Matt Canestrale Contracting, Inc.,** P. O. Box 243, Belle Vernon, PA 15012. To construct and maintain a barge dock in Luzerne Township, **Fayette County**, Pittsburgh ACOE District (California, PA Quadrangle N: 2.1 inches; W: 14.2 inches, Latitude: 40° 0' 45.5"; Longitude: 79° 58' 52.2"). Amendment to Permit No. E26-229, which authorized to operate and maintain an existing 3,854 foot long by 211 foot wide barge mooring facility and a 720 foot long by 50 foot side loading facility between mile points 62.8 and 63.5 along the right bank of the Monongahela River (WWF), to construct and maintain a crane platform at Mooring Cell 26 and perform maintenance dredging. Permit is amended to include the construction and maintenance of a 175 foot long by 27 foot wide barge dock at the downstream end of the existing facilities at mile post 62.65, along the right bank of the Monongahela River (WWF).

**E26-346. Turnpike Commission,** P. O. Box 67676, Harrisburg, PA 17106. To construct Section 51A-1 of the Mon/Fayette Expressway, North Union Township, **Fayette County**, Pittsburgh ACOE District. To construct the following:

1. A 136 foot long, 60-inch RC pipe (depressed 6 inches) stream enclosure of a UNT to Redstone Creek (WWF) located at Ramp 119S-N, Station 55+55 (Uniontown, PA Quadrangle N: 7.75 inches; W: 14.0 inches, Latitude: 39° 55' 03"; Longitude: 79° 43' 29"). This stream enclosure includes construction of a 45-LF channel relocation at the inlet of the structure and 740 LF of channel relocation at the downstream of the structure. The existing stream channel consists of 410 feet of concrete lined channel.

2. Operate and maintain a 265-ft. long 48-inch diameter RCP stream enclosure in a UNT to Redstone Creek (WWF) under the Ramp S-119S Station 47+13.1 and a 220-ft. long channel relocation at the inlet of the proposed structure (the structure was previously authorized for Section 51A2).

3. A 99 foot long, 24-inch RC pipe stream enclosure of a UNT to Redstone Creek (WWF) located at Ramp 119N-N, Station 28+50 (Uniontown, PA Quadrangle N: 6.6 inches; W: 15.5 inches and Latitude: 39° 54' 41"; Longitude: 79° 44' 8"). This stream enclosure includes 386 feet of stream channel relocation.

4. A 3-span bridge on SR 0119 southbound across Redstone Creek (WWF) and having spans of 73.0 feet, 94.0 feet and 73 feet, SR 0119, Station 560+220 (Uniontown, PA Quadrangle N: 7.8 inches; W: 13.4 inches, Latitude: 39° 55' 5.39"; Longitude: 79° 43' 13.00"). This structure includes a stream crossing of said stream.

5. A 3-span bridge on SR 0119 northbound across Redstone Creek (WWF) and having spans of 73.0 feet, 94.0 feet and 73.0 feet, SR 0119, Station 560+20 (Uniontown, PA Quadrangle N: 7.8 inches; W: 13.4 inches, Latitude: 39° 55' 5.39"; Longitude: 79° 43' 13.00"). This structure includes a temporary stream crossing of said stream.

6. The Mon/Fayette Expressway; Uniontown to Brownsville, Section 51A1, Transportation Project will impact 0.14 acre of wetlands

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**E20-564, Crawford County Commissioners, County Courthouse,** 1st Floor, Meadville, PA 16335. T-899 Kreitz Road Bridge, in Cambridge Township, **Crawford County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: 15.9 inches; W: 8.6 inches).

The applicant proposes to remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a clear span of 103.9 feet and an underclearance of 11.06 feet on a 60° skew across Little Conneauttee Creek on T-899 (Kreitz Road) approximately 1.1 mile NE of the intersection of SR 99 and Mt. Pleasant Road. Project includes 0.023 acre of permanent PSS wetland impact (de minimis), 0.022 acre of temporary PSS wetland impact and replacement of an existing 15-inch diameter culvert that connects an adjacent pond to a wetland. Little Conneauttee Creek is a perennial stream classified as a CWF. The project proposes to directly impact approximately 125 feet of stream and 0.023 acre of PSS wetlands (de minimis) and to temporarily impact 0.022 acre of PSS wetlands.

**E25-602, Millcreek Township,** 3608 West 26th Street, Erie, PA 16506. Heidler Road Drainage Improvement Project, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).

On February 27, 2008, the Department of Environmental Protection approved a request to extend the time limit on the above referenced permit which authorized Millcreek Township to conduct activities associated with the Heidler Road Drainage Improvement Project in a tributary to Walnut Creek downstream of Heidler Road northwest of Sterrettania Road (SR 832) in Millcreek Township, Erie County. The permitted project includes:

1. Realign approximately 800 feet of stream channel beginning at Heidler Road and extending downstream (Swanville, PA Quadrangle N: 8.0 inches; W: 6.9 inches).

2. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 850 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.1 inches; W: 6.85 inches).

3. Remove the existing structure and to install and maintain three 60-inch diameter HDPE pipe culverts having a length of 50 feet on a private driveway approximately 1,700 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.5 inches; W: 6.45 inches).

4. Install and maintain concrete block stream bank walls along both banks for a distance of approximately 100 feet extending upstream from a private driveway approximately 2,600 feet downstream of Heidler Road (Swanville, PA Quadrangle N: 8.9 inches; W: 6.1 inches).

The time limit on the previously referenced permit has been extended to December 31, 2011.

**E37-174, Staph-DeCarbo, LLC,** 520 Friendship Street, New Castle, PA 16101. Highland Fields Subdivision Wetland Fill, in Neshannock Township, **Lawrence County**, ACOE Pittsburgh District (New Castle North Quadrangle, N: 41° 02' 36"; W: 80° 20' 16").

To fill and maintain 0.17 acre of wetland for the construction of a house in the existing Highland Fields subdivision (New Castle North Quadrangle N: 41° 02' 36"; W: 80° 20' 16") in Neshannock Township, Lawrence County approximately 500 feet west of Mercer Road and 1,100 feet north of the intersection of Mercer and Roberts Roads.

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**E02-09-001. Allegheny Land Trust**, 409 Broad Street, Car Barn Shops, Suite 206A, Sewickley, PA 15143. Abandoned Mine Drainage Treatment Project, in Upper St. Clair Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to construct an abandoned mine drainage treatment facility with funds received from the Bureau of Abandoned Mine Reclamation (BAMR). The project will include impacts to 1.32 acres of PEM wetland and 860 linear feet of manmade water course. Mitigation will include 0.24 acre of onsite replacement wetland, 1.3 acres of offsite replacement wetland at a BAMR project located on Robinson Run, a tributary of Chartiers Creek, 2 acres of onsite wetland enhancement, reconstruction of 320 linear feet of stream channel and water quality improvements to 2.1 miles of Chartiers Creek (Bridgeville Quadrangle N: 16 inches; W: 16 inches).

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1609-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Piney Township, **Clarion County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 900 linear feet of dangerous highwall. The project will include the backfilling of: (1) a 0.11 acre AMD-impacted PEM wetlands; and (2) 530 feet of watercourse that have developed within the open surface mine pit. A 0.17 acre replacement wetland and approximately 1,200 feet of watercourse will be constructed onsite (Clarion Quadrangle N: 4.25 inches; W: 12 inches).

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA53-003CO. Sean Batterson**, 1703 SR 49 East, Coudersport, PA 16915, Allegany Township, **Potter County**, ACOE Pittsburgh District.

Project proposes to construct, operate and maintain a nonjurisdictional dam across a tributary to the Allegheny River (CWF) for recreational and aesthetic purposes. The project will impact approximately 100 feet of stream channel. The proposed dam will be located approximately 4,500 feet east of the intersection of SR 49 and SR 4011 (Sweden Valley, PA Quadrangle; Latitude: 41° 50' 19"; Longitude: 77° 55' 26")

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## SPECIAL NOTICES

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### Certified Emission Reduction Credits in the Commonwealth's ERC Registry

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO<sub>x</sub>), particulate matter (PM) and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), select Air Topics, Air Quality Home, Permits, Emission Reduction Credits.

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i>                | <i>Intended use<br/>of ERCs</i> |
|--|--|---|---|---------------------------------|
| R. R. Donnelley & Sons Co.<br>County: Lancaster<br>Contact Person: Frederick Shaak, Jr.  | VOCs   | 16.00   |   | Internal Use                    |
| Kurz Hastings, Inc.<br>County: Philadelphia<br>Contact Person: George Gornick<br>(215) 632-2300  | VOCs   | 137.45  |   | Trading                         |
| Kurz Hastings, Inc.<br>County: Philadelphia<br>Contact Person: George Gornick<br>(215) 632-2300  | NOx<br>VOCs                                    | 8.01<br>64.55                                     | Varies from<br>03/28/2013 to<br>01/9/2014 | Trading                         |
| PPG Industries, Inc.<br>Source Location: Springdale Complex<br>County: Allegheny<br>Contact Person: Lori Burgess<br>(412) 274-3884   | VOCs   | 171.82  |   | Trading                         |
| Recipient/Holder of ERC:<br>Coastal Aluminum Rolling Mills Inc.<br>ERC Generating Facility:<br>Fasson Div. of Avery Dennison Corp.<br>ERC-generating facility location:<br>Quakertown, Bucks<br>Contact Person: Jesse Hackenberg<br>(570) 323-4430 | VOCs   | 3.62  |   | Internal Use/<br>Trading        |
| Congoleum Corporation<br>Source Location: Marcus Hook<br>County: Delaware<br>Contact Person: Theresa C. Garrod<br>(609) 584-3000   | NOx<br>VOC                                     | 5.20<br>0.9                                       |   | Trading                         |
| International Steel Group, Inc.<br>Bethlehem Structural Products Corp.<br>Source Location: Bethlehem<br>County: Northampton<br>Contact Person: Keith Nagel<br>(330) 659-9165   | VOCs   | 473.80  | 03/28/2008                                | Trading                         |
| Recipient/Holder of ERC:<br>Lehigh Valley Industrial Park, Inc.<br>ERC Generating Facility:<br>International Steel Group, Inc.<br>Source Location: Bethlehem<br>County: Northampton<br>Contact Person: Justin Ryan<br>(610) 866-4600               | NOx<br>NOx<br>NOx                              | 482.3<br>177.4<br>234.3                           | 03/28/2008<br>05/28/2008<br>06/19/2008    | Trading                         |
| Morgan Adhesives Company (MACTac)<br>Source Location: Scranton<br>County: Lackawanna<br>Contact Person: Tim Owens<br>(330) 688-1111  | VOCs   | 75.00   | 06/30/2008                                | Trading                         |
| National Fuel Gas Supply Corporation<br>Sources: Generators No. 1 and 2, Dehydrator 1<br>Source Location: Ellisburg Station<br>County: Potter<br>Contact Person: Gary A. Young<br>(814) 871-8657   | NOx<br>VOCs                                    | 16.14<br>1.80                                     | 02/1/2009                                 | Internal Use                    |
| TYK America, Inc.<br>Source Location: Irvona Facility<br>County: Clearfield<br>Contact Person: David B. Orr<br>(412) 384-4259  | NOx<br>VOCs                                    | 0.30<br>0.02                                      | 11/6/2008                                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| Smithkline Beechman Pharmaceuticals<br>Sources: Two boilers and oxidizer<br>Source Location: Spring Garden Street Facility<br>County: Philadelphia<br>Contact Person: Eileen Ackler<br>(610) 239-5239                                      | NOx<br>VOCs                                    | 5.72<br>0.10                                      | 12/31/2008                 | Trading                         |
| Recipient/Holder of ERC:<br>PG&E Energy Trading-Power, LP<br>ERC Generating Facility: Global Packaging, Inc.<br>ERC-generating facility location:<br>Oaks Plant, Montgomery County<br>Contact Person: Sarah M. Barpoulis<br>(301) 280-6607 | VOCs   | 43.50   |                            | Trading                         |
| The Procter & Gamble Paper Products Company<br>Source Location: Mehoopany Plant<br>County: Wyoming<br>Contact Person: John Romero<br>(570) 833-3285  | NOx<br>PM10<br>VOCs<br>PM10                    | 91.10<br>14.00<br>206.10<br>31.10                 | 05/3/2009<br>05/3/2009     | Internal<br>Use/Trading         |
| LTV Steel Company, Inc.<br>Source Location: Pittsburgh Coke Plant<br>County: Allegheny<br>Contact Person: William L. West<br>(216) 642-7178  | VOCs<br>PM10<br>CO                             | 229.00<br>406.00<br>671.00                        | 02/28/2008                 | Trading                         |
| Newcomer Products, Inc.<br>Source Location: Latrobe<br>County: Westmoreland<br>Contact Person: Edward M. Nemeth<br>(724) 694-8100  | VOCs   | 16.00   | 07/14/2010                 | Trading                         |
| Scranton-Altoona Terminals Corporation<br>Source Location: Monroe Township<br>County: Cumberland County<br>Contact Person: Thomas M. Carper<br>(717) 939-0466  | VOCs   | 4.84  | 09/30/2010                 | Trading                         |
| Pennzoil Wax Partner Company<br>Source Location: Rouseville<br>County: Venango<br>Contact Person: David W. Dunn<br>(713) 546-6941  | NOx<br>VOCs<br>CO                              | 15.47<br>0.68<br>14.86                            | 02/26/2010                 | Trading                         |
| Pennzoil Wax Partner Company<br>Source Location: Rouseville<br>County: Venango<br>Contact Person: David W. Dunn<br>(713) 546-6941  | NOx<br>VOCs<br>CO                              | 2.82<br>44.34<br>0.57                             | 04/1/2010                  | Trading                         |
| INDSPEC Chemical Corp.<br>Source: Boiler No. 8<br>Source Location: Petrolia<br>County: Butler<br>Contact Person: Terry Melis<br>(412) 756-2376   | NOx<br>SOx                                     | 158.68<br>1,217.95                                |                            | Trading                         |
| Sun Company, Inc.<br>Source: Wastewater Conveyance System<br>Source Location: Marcus Hook Borough<br>County: Delaware<br>Contact Person: Steve Martini<br>(610) 859-1000   | VOCs   | 426.59  |                            | Trading/<br>Internal Use        |
| Columbia Gas Transmission Corporation<br>Source Location: Kent Station<br>County: Indiana<br>Contact Person: Gregory Lago<br>(304) 357-2079  | NOx<br>VOCs                                    | 44.36<br>2.66                                     | 05/31/2011                 | Trading                         |

| <i>Facility information</i>   | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|---|--|---|----------------------------|---------------------------------|
| Columbia Gas Transmission Corporation<br>Source Location: Homer Station<br>County: Indiana<br>Contact Person: Gregory Lago<br>(304) 357-2079  | NOx<br>VOCs                                    | 45.89<br>3.79                                     | 05/31/2011                 | Trading                         |
| ISG Steelton, Inc.<br>Source: Rail Heat Treating & Quenching<br>Source Location: Steelton Plant<br>County: Dauphin<br>Contact Person: James R. Hernjak<br>(717) 986-2042  | NOx<br>VOCs                                    | 7.00<br>43.00                                     | 11/9/2009                  | Trading                         |
| General Electric Transportation System<br>Source: Boiler No. 2<br>Source Location: East Lake Road<br>County: Erie<br>Contact Person: Mark D. Restifo<br>(814) 875-5406  | NOx<br>VOCs<br>PM<br>SOx<br>CO                 | 280.90<br>1.70<br>29.50<br>2,006.70<br>111.90     | 12/31/2010                 | Trading                         |
| 3M Minnesota Mining & Manufacturing<br>Source Location: Bristol Plant<br>County: Bucks<br>Contact Person: Jeff Muffat<br>(651) 778-4450   | VOCs<br>VOCs                                   | 479.00<br>279.00                                  | 11/30/2011<br>12/17/2011   | Trading                         |
| Kosmos Cement Company, Cemex, Inc.<br>Source Location: Neville Road, Pittsburgh<br>County: Allegheny<br>Contact Person: Amarjit Gill<br>(713) 653-8554  | NOx<br>VOCs<br>PM10<br>SOx<br>CO               | 910.00<br>26.00<br>61.00<br>442.00<br>44.00       | 04/24/2011                 | Trading                         |
| Edgewater Steel Ltd.<br>Source Location: College Avenue, Oakmont<br>County: Allegheny<br>Contact Person: Peter M. Guzanick<br>(412) 517-7217  | NOx<br>VOCs<br>PM10<br>SOx<br>CO               | 17.05<br>1.87<br>5.44<br>32.29<br>17.93           | 08/6/2008                  | Trading                         |
| Recipient/Holder of ERC:<br>Maple North America Development Company,<br>LLC<br>ERC Generating Facility: Laclede Steel<br>Corporation<br>Source Location: Fairless<br>County: Bucks<br>Contact Person: Paul D. Jones<br>(415) 768-2281 | NOx<br>VOCs                                    | 104.00<br>45.00                                   | 11/29/2011                 | Trading                         |
| Recipient/Holder of ERC:<br>Natsource Emissions Brokers<br>ERC Generating Facility: Laclede Steel<br>Corporation<br>Source Location: Fairless<br>County: Bucks<br>Contact Person: David Oppenheimer<br>(212) 232-5305                 | NOx<br>VOCs                                    | 0.27<br>1.50                                      | 11/29/2011                 | Trading                         |
| Trinity Industries, Inc.<br>Source Location: Greenville<br>County: Mercer County<br>Contact Person: Dennis Lencioni<br>(214) 589-8141   | VOCs   | 61.65   | 10/31/2010                 | Trading                         |
| Rohm and Haas Company<br>Source Location: Bristol Township<br>County: Bucks<br>Contact Person: Lloyd Davis<br>(215) 785-8871  | VOCs<br>VOCs                                   | 1.15<br>0.32                                      | 10/30/2010<br>01/30/2011   | Trading                         |



| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i>                         | <i>Intended use<br/>of ERCs</i> |
|--|--|---|--|---------------------------------|
| Recipient/Holder of ERC:<br>Waste Management Disposal Services of<br>Pennsylvania<br>ERC Generating Facility: The Worthington Steel<br>Company<br>Source Location: Malvern, East Whiteland<br>County: Chester<br>Contact Person: Eli Brill<br>(215) 269-2111 | VOCs   | 43.00   | 01/31/2012   | Traded                          |
| Recipient/Holder of ERC:<br>Waste Management of Pennsylvania, Inc.<br>ERC Generating Facility: The Worthington Steel<br>Company<br>Source Location: Malvern, East Whiteland<br>County: Chester<br>Contact Person: Eli Brill<br>(215) 269-2111                | VOCs   | 70.00   | 01/31/2012   | Traded                          |
| PPL, Inc.<br>Source Location: Holtwood Station<br>County: Lancaster<br>Contact Person: Linda A. Boyer<br>(610) 774-5410  | NOx<br>VOCs<br>PM10<br>SOx                     | 3521.09<br>9.70<br>105.50<br>1,3241.30            | 04/29/2009   | Trading                         |
| North American Refractories Company<br>Source Location: Womelsdorf<br>County: Lebanon<br>Contact Person: Rhonda Vete<br>(412) 469-6122   | NOx<br>NOx<br>VOCs<br>PM10<br>SOx<br>CO        | 5.11<br>62.57<br>0.25<br>15.60<br>24.85<br>19.45  | 12/15/2010<br>09/30/2008<br>09/30/2008             | Trading                         |
| The Quaker Oats Company<br>Source Location: Shiremanstown Plant<br>County: Cumberland<br>Contact Person: Richard C. Pitzer<br>(717) 731-3334   | NOx<br>VOCs<br>PM                              | 4.00<br>1.68<br>60.49                             | Varies from<br>04/3/2010 to<br>07/15/2011          | Trading                         |
| Glasgow, Inc.<br>Source Location: Plymouth Meeting<br>County: Montgomery<br>Contact Person: Brian Chabak<br>(215) 884-8800   | NOx<br>VOCs<br>NOx<br>VOCs                     | 2.72<br>0.21<br>6.54<br>0.52                      | 12/31/2010<br>12/31/2010<br>06/1/2010<br>06/1/2010 | Trading                         |
| Scranton-Altoona Terminals Corporation<br>Source Location: East Freedom Terminal<br>County: Cumberland County<br>Contact Person: Thomas M. Carper<br>(717) 939-0466  | VOCs   | 9.19  | 04/1/2009  | Trading                         |
| SLI Lighting, Inc.<br>Source Location: Ellwood City<br>County: Lawrence<br>Contact Person: Tim Haubach<br>(724) 752-6493   | VOCs   | 5.70  | 06/3/2010  | Trading                         |
| Harvard Industries, Inc.<br>Plant name: Pottstown Precision Casting, Inc.<br>Source Location: West Pottsgrove Township<br>County: Montgomery<br>Contact Person: Allan B. Currie, Jr.<br>(517) 740-2991 or (517) 592-3706                                     | NOx<br>VOCs                                    | 28.25<br>8.70                                     | 11/12/2011   | Trading                         |
| Alcoa, Inc.<br>Source Location: Lebanon Township<br>County: Lebanon<br>Contact Person: Kevin S. Barnett<br>(412) 553-2094  | VOCs   | 347.43  | Varies from<br>09/29/2010 to<br>05/1/2012          | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| American Color Graphics, Inc.<br>Formerly Flexi-Tech Graphics, Inc.<br>Source Location: Barnhart Drive, Hanover<br>County: York<br>Contact Person: Glenn Shaffer<br>(717) 792-8104 | VOCs   | 9.60  | 01/15/2012                 | Trading                         |
| Allegro Microsystems, Inc.<br>Source Location: Upper Moreland Township<br>County: Montgomery<br>Contact Person: Wendy Cooper<br>(610) 286-7434                                     | VOCs   | 42.61   | 03/29/2012                 | Trading                         |
| Calumet Lubricants Company<br>Source Location: Rouseville Plant<br>County: Venango<br>Contact Person: Harry Klodowski<br>(724) 940-4000  | NOx<br>VOCs<br>SOx                             | 89.80<br>2.38<br>87.70                            | 05/21/2012                 | Trading                         |
| Avery Dennison Corporation<br>Source Location: Dungan Road<br>County: Philadelphia<br>Contact Person: Frank J. Brandauer<br>(626) 398-2773   | VOCs   | 3.13  | 06/30/2012                 |                                 |
| Henry Miller Spring & Manufacturing Company<br>Source Location: Sharpsburg<br>County: Allegheny<br>Contact Person: David J. Jablonowski<br>(412) 782-7300                          | NOx<br>VOCs                                    | 10.96<br>36.47                                    | 01/22/2010                 | Trading                         |
| Penco Products, Inc.<br>Source Location: Lower Providence Township<br>County: Montgomery<br>Contact Person: Allan J. Goss<br>(610) 666-0500  | NOx<br>VOCs                                    | 3.11<br>29.48                                     | 10/1/2011                  | Trading                         |
| Norfolk Southern Railway Co.<br>Source Location: Hollidaysburg Car Shop<br>County: Blair<br>Contact Person: Carl Russo<br>(814) 949-1479   | NOx<br>VOCs                                    | 4.35<br>69.80                                     | 07/19/2012                 | Trading                         |
| World Kitchen Inc.<br>Source Location: Charleroi Plant<br>County: Washington<br>Contact Person: James Rowlett<br>(724) 489-2288  | NOx  | 251.43  |                            | Trading                         |
| PPG Industries, Inc.<br>Source Location: Greenwood Township<br>County: Crawford<br>Contact Person: David J. Neal<br>(412) 492-5507   | NOx  | 1,118.50  |                            | Trading                         |
| Sentry Paint Technologies, Inc.<br>Source Location: Mill Street, Darby<br>County: Delaware<br>Contact Person: Benjamin Breskman<br>(610) 522-1900                                  | VOCs   | 3.56  | 04/30/2013                 | Trading                         |
| R. H. Sheppard Company, Inc.<br>Source Location: Core making operation in<br>Hanover<br>County: York<br>Contact Person: Julie L. Smith<br>(717) 637-3751                           | VOCs   | 14.43   | 04/15/2013                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| International Paper<br>Source: Bleach Plant, Erie Mill<br>County: Erie<br>Contact Person: Gary Morrow<br>(814) 870-6782  | VOCs   | 72.06   |                            | Trading                         |
| International Paper<br>Source Location: Erie Mill<br>County: Erie<br>Contact Person: Gary Morrow<br>(814) 870-6782   | NOx<br>VOCs                                    | 1,235.00<br>943.00                                | 09/30/2012                 | Trading                         |
| Corning Incorporated<br>Source Location: College Township<br>County: Centre<br>Contact Person: Douglas A. Wolf<br>(607) 974-4267   | NOx  | 1,400.01  | 06/23/2013                 | Trading                         |
| Sea Gull Lighting Products, Inc<br>Source Location: 25th & Wharton St<br>County: Philadelphia<br>Contact Person: Mark Gardiner<br>(215) 468-7255   | VOCs   | 12.50   | 03/1/2013                  | Trading                         |
| Allegro Microsystems, Inc.<br>Source Location: Upper Moreland Township<br>County: Montgomery<br>Contact Person: Wendy Cooper<br>(610) 286-7434   | NOx<br>CO                                      | 2.90<br>1.30                                      | 10/20/2013                 | Trading                         |
| Recipient/Holder of ERC: First Quality Tissue, LLC<br>ERC Generating Facility: PPL Holtwood, LLC<br>ERC Generation Source Location: Martic Township<br>County: Lancaster<br>Contact Person: Mark Zeffiro<br>(814) 231-5267 | NOx  | 74.98   | 04/29/2009                 | Internal Use                    |
| Recipient/Holder of ERC: First Quality Tissue, LLC<br>ERC Generating Facility: Alcoa, Inc.<br>ERC Generation Source Location: South Lebanon<br>County: Lebanon<br>Contact Person: Mark Zeffiro<br>(814) 231-5267           | VOCs   | 43.72   | 04/5/2012                  | Internal Use                    |
| Lancaster Malleable Castings Company<br>Source Location: Manheim Township<br>County: Lancaster<br>Contact Person: Jeffrey L. Ressler<br>(717) 295-8200   | VOCs<br>CO                                     | 11.71<br>1.30                                     | 03/31/2013                 | Internal Use/<br>Trading        |
| International Paper<br>Source: Lock Haven Mill<br>Source Location: Castanea Township<br>County: Clinton<br>Contact Person: Thomas M. Sauer<br>(570) 740-1211   | NOx<br>VOC<br>SOx                              | 1,287.00<br>27.90<br>6,606.00                     | 03/22/2012                 | Offsets/<br>Trading             |
| CMS Gilbreth Packaging Systems<br>Source: Label and Packaging Network<br>County: Bucks<br>Contact Person: Patricia M. Henry Unrath<br>(610) 789-2277   | VOC  | 17.40   | 05/31/2008                 | Trading                         |
| Brodart Company<br>Source Location: Montgomery Facility<br>County: Lycoming<br>Contact Person: Robyn J. Dincher<br>(570) 326-2461, Ext. 6408   | VOCs   | 24.91   | 04/18/2013                 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i>               | <i>Intended use<br/>of ERCs</i> |
|--|--|---|--|---------------------------------|
| Pennsylvania House White Deer Furniture Plant<br>Source: Conveyor and Monorail lines<br>Source Location: White Deer Plant<br>County: Union<br>Contact Person: Robert J. Varney<br>(570) 523-2356 | VOCs   | 82.90   | 03/15/2012                               | Trading                         |
| Exelon Power<br>Source: Delaware Generating Station<br>Source Location: Philadelphia<br>County: Philadelphia<br>Contact Person: Kimberly Scarborough<br>(610) 765-5883                           | NOx  | 286.5   | 12/16/2014                               | Trading                         |
| Worthington Steel Company<br>Source Location: East Whiteland Township<br>County: Chester<br>Contact Person: Matt Johnson<br>(614) 438-7960   | NOx  | 10.00   | 04/1/2013                                | Trading                         |
| Buckeye Pipe Line Company, LP<br>Source Location: Reed Township<br>County: Dauphin<br>Contact Person: Jason Mengel<br>(484) 232-4491   | VOCs   | 12.00   | 02/28/2012                               | Trading                         |
| Bollman Hat Company<br>Source Location: Willow Street, Adamstown<br>County: Lancaster<br>Contact Person: David L. Wails<br>(717) 484-4361  | VOCs   | 14.34   | 10/3/2013                                | Trading                         |
| Property Investing Center (Goodville Industrial Center)<br>Source Location: East Earl Township<br>County: Lancaster<br>Contact Person: Richard Stauffer<br>(717) 738-3488                        | VOCs   | 84.09   | 09/13/2013                               | Trading                         |
| Armstrong World Industries, Inc. (Lancaster Flooring)<br>Source Location: 1067 Dillerville Road<br>County: Lancaster<br>Contact Person: Gene Hartzell<br>(717) 396-3668                          | VOC  | 31.79   | 09/1/2013<br>to 08/20/2014<br>08/20/2014 | Internal Use/<br>Trading        |
| RUTGERS Organics Corporation<br>Source Location: 201 Struble Road, State College<br>County: Centre<br>Contact Person: Mary Jo Smith<br>(814) 231-9277  | NOx<br>NOx<br>VOC                              | 5.27<br>3.35<br>2.17                              | 08/15/2013<br>04/16/2014<br>03/26/2014   | Internal Use/<br>Trading        |
| AK Steel Corporation<br>Source Location: Butler<br>County: Butler<br>Contact Person: Robert J. Hocks<br>(724) 284-2685   | NOx<br>NOx                                     | 13.00<br>24.82                                    | 11/6/2011<br>01/30/2012                  | Trading/<br>Internal Use        |
| Cabinet Industries, Inc.<br>Source Location: Danville Borough<br>County: Montour<br>Contact Person: Laura Lee Spatzer<br>(570) 275-1400, Ext. 1400   | VOC  | 7.29  | 09/1/2015                                | Trading                         |
| Honeywell-International<br>Source Location: Emlenton Plant<br>County: Venango<br>Contact Person: Shane Dunn<br>(814) 887-4081  | VOC  | 49.82   | 04/30/2010                               | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i>                             | <i>Intended use<br/>of ERCs</i> |
|--|--|---|--|---------------------------------|
| Naval Surface Warfare Center, Carderock<br>Division<br>Source Location: Philadelphia Naval Shipyard<br>County: Philadelphia<br>Contact Person: Michael Santella<br>(215) 897-1315; DSN 443                         | NOx  | 157.50  | 09/30/2008   | Internal Use                    |
| Reliant Energy Mid-Atlantic Power Holdings,<br>MLLC<br>Source Location: Pennsylvania Avenue, Warren<br>County: Warren<br>Contact Person: Keith A. Schmidt<br>(814) 533-8193  | NOx<br>VOCs<br>SOx<br>PM<br>CO                 | 695.76<br>2.99<br>2925.36<br>64.60<br>20.85       | 9/28/2012  | Trading                         |
| Arbill Industries, Inc.<br>Source Location: 2207 West Glenwood Avenue<br>County: Philadelphia<br>Contact Person: Barry Bickman<br>(800) 523-53673  | VOCs<br>NOx<br>SOx                             | 20.32<br>0.38<br>0.21                             | 01/1/2016  | Trading                         |
| Dominion Transmission, Inc.<br>Source Location: Big Run Compressor Station<br>County: Jefferson<br>Contact Person: David Testa<br>(412) 690-1815   | NOx  | 10.00   | 10/13/2013   | Trading                         |
| Carmeuse Lime, Inc.<br>Source Location: Hanover Lime Plant<br>County: Adams<br>Contact Person: Kenneth Kauffman<br>(717) 630-8266  | NOx<br>VOC<br>SOx<br>PM10<br>PM2.5             | 46.61<br>1.96<br>10.26<br>14.64<br>7.18           | 01/3/2016  | Trading                         |
| Port Glenshaw Glass, LLC<br>Source Location: 1101 William Flynn Highway,<br>Glenshaw PA 15116<br>County: Allegheny<br>Contact Person: Harry Klodowski<br>(724) 940-4000  | VOC<br>NOx<br>SOx<br>PM2.5<br>PM10             | 10.64<br>59.46<br>74.89<br>23.11<br>25.40         | 11/24/2014   | Trading/<br>Internal Use        |
| Cinram Manufacturing, LLC<br>Source Location: City of Olyphant<br>County: Lackawanna<br>Contact Person: Mark A. Thallmayer<br>(570) 383-3291   | VOC<br>VOC                                     | 6.53<br>6.75                                      | 02/6/2016<br>05/9/2016                                 | Internal Use                    |
| Bemis Company, Inc.<br>Source Location: Hazle Township<br>County: Luzerne<br>Contact Person: Thomas G. Franko<br>(570) 501-1429  | VOC  | 22.27   | 01/1/2016  | Trading                         |
| Techneglas, Inc.<br>Source Location: Pittston Facility<br>County: Luzerne<br>Contact Person: Harry F. Klodowski, Jr.<br>(724) 940-4000   | VOC<br>NOx                                     | 784.88<br>33.82                                   | 12/17/2013 to<br>08/11/2014                            | Trading                         |
| Horsehead Corporation (Zinc Corp. of America)<br>Source: Acid Roaster Plant-Monaca Smelter<br>Source Location: Monaca<br>County: Beaver<br>Contact Person: William N. Bailey<br>(724) 773-9057                     | NOx<br>SOx<br>PM10<br>PM2.5<br>CO              | 3.3<br>382.5<br>9.4<br>3.2<br>1.4                 | 10/23/2012   | Netting/<br>Offsetting          |
| Recipient/Holder of ERC: Natsource MAC 77, Ltd<br>ERC Generating Facility: Eljer Plumbingware<br>Inc.<br>Source Location: Ford City Plant<br>County: Armstrong<br>Contact Person: Mithun Rathore<br>(281) 340-8300 | NOx<br>VOCs                                    | 105.22<br>7.26                                    | 06/8/2014 to<br>10/4/2014<br>3/15/2014 to<br>10/4/2014 | Trading                         |

| <i>Facility information</i>  | <i>Criteria<br/>Pollutant or<br/>Precursor</i> | <i>Certified<br/>ERCs<br/>Available<br/>(tpy)</i> | <i>Expiration<br/>date</i> | <i>Intended use<br/>of ERCs</i> |
|--|--|---|----------------------------|---------------------------------|
| Bluegrass Folding Carton Company, LLC<br>(Formerly Smurfit Stone Container Enterprises, Inc.)                      | VOC  | 60.36   | 05/31/2015                 | Internal use/Trade              |
| Source Location: Upper Providence Township<br>County: Montgomery<br>Contact Person: Tom Tutwiler<br>(610) 935-4119 |  |   |                            |                                 |

### Bureau of Air Quality

#### Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

#### Generating Facility Information

ERC Generating Facility Name: Eljer Plumbingware, Inc.  
Location of Source: Ford City, Armstrong County, PA  
Certified ERCs (tpy): 214.22 tpy of NOx and 7.26 tpy of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 214.22 tpy of NOx and 7.26 tpy of VOCs  
Date of ERCs Transfer: 12/19/2007  
ERCs available for future use: Nil

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Natsource MAC 77 Ltd.  
Location of Source: C/O ICAP United Inc., Sugar Land, TX 77478  
Permit Number: NA  
NOx credits used: 0  
NOx credits available for future use: 214.22 tpy of NOx and 7.26 tpy of VOCs

#### ERC Holder/Generating Facility Information

ERC Generating Facility Name: Eljer Plumbingware, Inc.  
Recipient/ Holder: Natsource MAC 77 Ltd.  
Location of Source: C/O ICAP United Inc., Sugar Land, TX 77478  
Certified ERCs (tpy): 214.22 tpy of NOx and 7.26 tpy of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 109 tpy of VOCs  
Date of ERCs Transfer: 12/19/2007  
ERCs available for future use: 105.22 tpy of NOx and 7.26 tpy of VOCs

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Dominion Cove Point LNG, LP  
Location of Source: Leer's East Milton Facility, PA  
Permit Number/Intended Use: NA/General Conformity  
NOx credits to be used: 109  
NOx credits available for future use: 109 tpy

#### ERC Holder/Generating Facility Information

ERC Generating Facility Name: Alcoa, Inc.  
Location of Source: Lebanon Township, Lebanon County, PA  
Certified ERCs (tpy): 468.43 tpy of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 73 tpy and 48 tpy of VOC  
Date of ERCs Transfer: 08/29/2007; 01/15/2008  
ERCs available for future use: 347.43 tpy of VOCs

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Alumax Mill Products, Inc.  
Location of Source: Lancaster County, PA  
Permit Number: NA  
VOC credits used: 0  
NOx credits available for future use: 73 tpy

#### Purchaser/Recipient of ERCs

Purchaser/Recipient of ERCs: Carpenter Technology Corporation  
Location of Source: Reading, Berks County, PA  
Plan Approval: 06-05007E  
VOC credits used: 48 tpy  
VOC credits available for future use: 0 tpy

**ERC Generating Facility Information**

ERC Generating Facility Name: LTV Steel Company, Inc.

Location of Source: Pittsburgh, Allegheny County, PA

Certified ERCs (tpy): 1,878 tpy of NOx, 681 tpy of VOCs, 1,238 tpy of SOx and 406 PM10

Amount of ERCs traded to Purchaser/Recipient: 140 tpy of VOCs; 215 tpy of NOx; 104 tpy of VOCs; 64 tpy of VOCs; 144 tpy of VOC, 1,663 tpy of NOx and 1,238 tpy of SOx

Date of ERCs Transfer: 12/21/2001; 3/7/2002; 4/9/2003; 1/25/2008

ERCs available for future use: 229 tpy of VOCs and 406 tpy of PM10

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Corning, Incorporated

Location of Source: Erwin, Steuben County, NY

Permit Number: 8464200108/0000

VOCs credits used: 140 tpy

VOCs credits available for future use: 0

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Duke Energy Fayette, LLC

Location of Source: Fayette County, PA

Permit Number: None

NOx credits used: 0 tpy

VOCs credits used: 0 tpy

NOx credits available for future use: 215 tpy

VOCs credits available for future use: 104 tpy

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: PPL Lower Mount Bethel Energy, LLC

Location of Source: Lower Mount Bethel Township, Northampton County, PA

Permit Number: 48-328-044

NOx credits used: 0 tpy

NOx credits available for future use: 64 tpy

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Wellington Development-WVDT, LLC, WV

Location of Source: Greene Energy Resource Recovery Project, Greene County, PA

Plan Approval: NA

VOC, NOx and SOx credits used: Nil tpy

VOC credits available for future use: 144 tpy of VOCs

NOx credits available for future use: 1,663 tpy of NOx

SOx credits available for future use: 1,238 tpy of SOx

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of February 2008, the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in Pennsylvania. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i>               | <i>Address</i>  | <i>Type of Certification</i> |
|---------------------------|---|------------------------------|
| Air Quality Control, Inc. | 630 Freedom Business Center<br>Third Floor<br>King of Prussia, PA 19406 | Mitigation                   |
| James Bistline            | 61 Sunset Drive<br>Carlisle, PA 17013                                   | Mitigation                   |
| Jon Bosserman             | 421 Losh Road<br>Shermans Dale, PA 17090                                | Testing                      |
| William Cairnes           | 9 Sunset Drive<br>Auburn, PA 17922                                      | Testing & Mitigation         |
| Jeffrey Finken            | 2517 Treeline Drive<br>Easton, PA 18040                                 | Mitigation                   |
| Mark Garland              | 5970 Webb Road<br>Mineral Ridge, OH 44440                               | Testing                      |
| Gregory Hancock           | 147 Mountainstone Trail<br>Lock Haven, PA 17745                         | Testing                      |
| Robert Hoeveler           | 828 North Hanover Street<br>Pottstown, PA 19464                         | Testing                      |

| <i>Name</i>   | <i>Address</i>   | <i>Type of Certification</i> |
|---|--|------------------------------|
| George Kasimirsky, II                                       | P. O. Box 145<br>Hickory, PA 15340                       | Testing                      |
| Joseph Kelly  | P. O. Box 156<br>12 Chapel Road<br>Virginville, PA 19564 | Testing                      |
| Joseph Kelly, III<br>Keystone Building Inspections          | P. O. Box 15811<br>Pittsburgh, PA 15244                  | Testing                      |
| Leonard Kelsey  | 134 Broad Street<br>No. 3<br>Stroudsburg, PA 18360       | Testing                      |
| Mark Long   | 9755 Mentzer Gap Road<br>Waynesboro, PA 17268            | Testing                      |
| Dominick Marciano   | 1090 Bristol Road<br>Mountainside, NJ 07092              | Testing                      |
| Roger Marsh<br>RSSI   | 6312 West Oakton Street<br>Morton Grove, IL 60053        | Laboratory                   |
| Thomas O'Connor   | 8620 Rochester Road<br>Pittsburgh, PA 15237              | Testing                      |
| Realty Inspection Services, Inc.                            | 770 Route 307<br>Spring Brook, PA 18444                  | Testing                      |
| Kathleen Remsnyder  | 2843 North Front Street<br>Harrisburg, PA 17110          | Testing                      |
| Jeffrey Schlaline<br>Absolute Radon Mitigation, LLC         | 800 Locust Grove Road<br>York, PA 17402                  | Mitigation                   |
| Igor Smetaniuk  | P. O. Box 300<br>Glen Spey, NY 12737                     | Testing                      |
| Jerry Smith   | 17129 Lappans Road<br>Hagerstown, MD 21740               | Testing                      |
| Keven Sweitzer  | 330 Julian Street<br>Williamstown, PA 17098              | Testing                      |
| Wayne Thomas<br>Environmental Abatement<br>Associates, Inc. | 143 West Main Street<br>Plymouth, PA 18651               | Testing                      |

### **Public Hearing Invitation**

#### **Public Hearing for NPDES Permit No. PAI023508001; Proposed Marjol Battery Site Project, Throop Borough, Lackawanna County**

On February 19, 2008, the Department of Environmental Protection (Department) received an administratively complete NPDES Permit application package for the proposed Marjol Battery Site Project located in Throop Borough, Lackawanna County.

The Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAI023508001 for the discharge of stormwater from construction activities to Sulphur Creek and the Lackawanna River in Throop Borough, Lackawanna County.

The public hearing will be conducted on Wednesday, April 16, 2008, at 7 p.m. at the Throop Community Civic Center, 500 Sanderson Street, Throop Borough, Lackawanna County by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Marjol Batter Site Hearing, Department of Environmen-

tal Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI023508001 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and plans are available for review at the Lackawanna County Conservation District Office, 1300 Old Plank Road, Mayfield, PA, (570) 281-9495 and/or the Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.



**Bureau of Deep Mine Safety  
Approval of Request for Variance**

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved Rosebud Mining Company's request for a variance from the requirements of Section 290(d) of the Pennsylvania Bituminous Coal Mine Act at the Dutch Run Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp)

*Summary of the Request:* Rosebud Mining Company requests a variance to reduce the number of main entries in the D Mains Section at the Dutch Run Mine.

The basis for the Bureau's approval is summarized as follows:

1. Dutch Run has developed portions of this same mine with less than five entries previously without any complications.

2. Longwall mines have successfully ventilated three entry systems for distances up to 12,000 feet. Longwall gate-road development generally encounters methane liberations far in excess of those shown at the Dutch Run Mine.

3. According to an October 2007 air sample collected by MSHA, the Dutch Run Mine produces 41,160 CFM of CH<sub>4</sub> per 24 hours.

4. An Axidyne L-10-60 fan is capable of 320,000 cfm. The fan is currently operating on blade setting 2 out of a total of 6.

5. Reducing the number of main entries from five to three reduces the amount of exposed roof.

6. A CO monitoring system will enhance escapability through the variance area by providing early warning.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in your enclosed plan and the following conditions.

1. All unused crosscuts through the variance area must have adequate ground to roof support placed on both entrances in line with the entry rib. Additional supplemental support must be installed throughout the area as required.

2. All roof falls that occur in the variance area must be completely cleaned and permanently supported before resumption of mining.

3. Dutch Run must mine a minimum of two cross-cuts prior to expanding into five entries to ensure that bad roof conditions have been passed.

4. The CO sensors should be placed in the primary intake escapeway and in the belt at the beginning and at the end of the variance area.

5. The CO system shall provide visual and audible alarms. The audible alarms shall be transmitted over the mine communication system.

**Special Notice**

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.*

**Swisher Contracting, Inc., GFCC No. 17-07-05,** Bradford Township, **Clearfield County** (Upper West Branch Watershed): A no-cost construction contract has

been awarded to Swisher Contracting, Inc., that will result in the reclamation of approximately 18.8 acres of abandoned mine lands including 2,500 feet of abandoned highwall and the reclamation of 18.8 acres of abandoned mine spoil and the recovery of 18,500 tons of coal reserves. Approximately 9,880 tons of alkaline material in the form of imported baghouse lime (waste lime) will be added to the 5.4 acre coal extraction area. Blasting has been approved as part of the reclamation activities. The site will be reclaimed and regraded to approximate original contour. The estimated value of the reclamation work is \$112,800, which will be done at no cost to the Commonwealth. The site is located approximately one-half mile southeast of the Woodland interchange of Interstate 80 on lands formerly mined and subsequently abandoned by Woolridge Coal Company in the late 1940's.

[Pa.B. Doc. No. 08-451. Filed for public inspection March 14, 2008, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

*Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Draft Technical Guidance*

DEP ID: 562-3900-402. Title: Citizens' Requests: Receiving, Tracking, Investigating, Appealing and Filing. Description: This document revises the procedures for the investigation of complaints relating to coal and industrial mineral mining activities and the use of explosives. The primary revision is to eliminate the informal review process. Under the existing guidance, citizens are provided with the opportunity to request that the Bureau of Mining and Reclamation review the investigations completed by the District Mining Offices. Based on reduced staffing levels, the Bureau of Mining and Reclamation is no longer able to conduct thorough informal reviews. Written Comments: The Department is seeking comments on the substantive revisions to draft technical guidance

No. 562-3900-402. Interested persons may submit written comments on this draft technical guidance document by April 14, 2008. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to William S. Allen, Jr., Department of Environmental Protection, Bureau of Mining and Reclamation, Rachel Carson State Office Building, 5th Floor, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103; wallen@state.pa.us. Contact: Questions regarding the draft technical guidance document should be directed to William Allen at (717) 787-5103, wallen@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

*Final Technical Guidance:*

DEP ID: 383-3310-409. Title: Pennsylvania Drinking Water Information System (PADWIS) Violation and Enforcement User's Manual. Description: This manual provides uniform instructions and protocol for the use of the online Safe Drinking Water Program violation and enforcement information system that is a major subsystem of the PADWIS. Substantive revisions were made to the guidance to reflect changes in computer system technology, including system changes associated with the conversion from a text-based to a graphical user-interface system. The manual was also revised to include information on new violations associated with regulations that were implemented after the manual was last published in 2000. The new regulations addressed in the manual include the Consumer Confidence Report, Disinfectants/Disinfection By Products, Filter Backwash and Recycling, Interim Enhanced Surface Water Treatment, Long Term 1 Enhanced Surface Water Treatment, Radionuclides and Public Notice. Notice of the Draft Technical Guidance was published at 36 Pa.B. 5935 (September 23, 2006). During the 30-day public comment period, the Department did not receive any comments on the draft technical guidance. No additional changes were made to the document following the public comment period. Contact: William Sedlak, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8466, (717) 787-0124, wsedlak@state.pa.us. Effective Date: March, 15, 2008.

DEP ID: 253-0300-100. Title: Pennsylvania's Land Recycling Program Technical Guidance Manual—Section IV General Guidance. Description: Substantive revisions were proposed to Pennsylvania's Land Recycling Program Technical Guidance Manual—Section IV General Guidance and were advertised for public comment at 37 Pa.B. 4261 (August 4, 2007). The revisions included the addition of several regulated substances to the "short list" in Table IV-9 for several petroleum products and mineral insulating oils containing PCBs. It is these regulated substances or "chemicals of concern" identified in the "short list" that need to be tested for to demonstrate attainment under any of the Act 2 standards when there is a release of these petroleum products, uncontaminated by other sources. The Department felt the addition of new regulated substances to the short list would result in more extensive remediation for certain petroleum products. During the 30-day public comment period that concluded on September 4, 2007, the Department received comments on the document, which are addressed in a separate Comment and Response Document. As a result of comments received, the Department modified the final guidance document by amending the compounds and testing protocol found in Table IV-9. Additional changes

were also made to the final guidance, including modifications to clarify the transition language between the current short list and the new short list. Contact: David Crownover, Department of Environmental Protection, Office of Community Revitalization and Local Government Support, Rachel Carson State Office Building, 10th Floor, P. O. Box 8471, Harrisburg, PA 17105-8471, (717) 787-0130, dcrownover@state.pa.us. Effective Date: March 15, 2008.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-452. Filed for public inspection March 14, 2008, 9:00 a.m.]

## Bid Opportunity

**AMD 11(0632)101.1, Acid Mine Drainage Remediation Project, Mineral Point (Saltlick Run), Jackson Township, Cambria County.** The principal items of work and approximate quantities include Access Road Construction, Reinforced Concrete Low Flow Culvert, 1,675 square yards of Rock Lining with Filter Material, 24,600 cubic yards of Excavation, 11,500 cubic yards of Waste Material, 14 Ten-Inch Diameter Stainless Steel Pipe and Fittings, 900 linear feet of Ten-Inch Diameter PVC Pipe and Fittings and 7.1 acres of Seeding. This project issues on March 14, 2008 and bids will be opened on April 10, 2008 at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control and Reclamation Act of 1977, and is subject to that law and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-453. Filed for public inspection March 14, 2008, 9:00 a.m.]

## Bond Rate Guidelines for the Calculation of Land Reclamation Bonds on Coal Mining Operations

The Department of Environmental Protection (Department) announces the 2008 bond rate guidelines for anthracite and bituminous coal mining operations. These rates become effective April 1, 2008. The authority for bonding coal mining operations is found under The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66) and 25 Pa. Code Chapter 86, Subchapter F (relating to bonding and insurance requirements). The unit costs listed in these guidelines will be used in calculating the land reclamation bonds for surface coal mining operations including, surface mines, coal refuse disposal sites, coal refuse reprocessing sites, coal processing facilities and the surface facilities of underground mining operations. The procedures for calculating land reclamation bonds are described in technical guidance 563-2504-001, "Conventional Bonding for Land Reclamation—Coal," which is available on the Depart-

ment's web site at the following link: <http://164.156.71.80/WXOD.aspx?fs=2087d8407c0e0000800006fb000006fb&ft=1>.

The Department may review the adequacy of bonds on existing permits based on the bond rate guidelines at any time. The Department will conduct these reviews before issuing permit renewals. The Department may conduct similar reviews at the mid-term of a permit and before approving a permit revision.

The bond rate guidelines do not apply to bonds assuring replacement of water supplies under section 3.1(c) of the Surface Mining Conservation and Reclamation Act or to bonds ensuring compliance with the requirements of the Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1410d).

#### *General Methodology*

The Department developed the bond rate guidelines for 2008 from the unit costs for competitively bid contracts for mine reclamation. Contract bid data is available for various unit operations needed to complete reclamation of a mine site for the years 1998-2007. For most categories, a 3-year (2005-2007) average was used to calculate the guidelines. Some categories required another approach due to limited data. For example, there were no contracts in 2004, 2005 or 2007 that included R3 rock used for channel lining. Therefore, a 5-year average was used for R3 Rock Lining.

In general, the bond rate for a given unit operation is the weighted average of the three lowest total bids for

each contract. However, grading costs were calculated using the number of bids at a cost per cubic yard frequency distribution and a weighted total number of cubic yards at a cost per cubic yard frequency distribution, in combination with the averages and a cost trend analysis.

In the event that a unit operation necessary to calculate a reclamation bond is not listed in Table 1, then any additional cost information available will be used. If enough data is still not available, the rate will be set from a standard reference like "*Means Building Construction Cost Data*" or "*Walker's Building Estimator's Reference Book*."

The fees associated with the Land Maintenance Bond Program are presented in Table 2. There has been no change in these rates for 2008.

The bond rate guidelines are available electronically at <http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/bonding.htm>. For background information and supporting documentation regarding bonding rate guidelines, contact the Bureau of Mining and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

#### *Effective Date:*

The bond rate guidelines in this notice become effective April 1, 2008.

**TABLE 1**  
**Standard Bond Rate Guidelines**  
**For Year 2008**

| <i>Unit Operation</i>   | <i>Unit Measure</i> | <i>Unit Costs (\$)</i>                                   |
|---|---------------------|--|
| <i>Mobilization/demobilization</i>  | <i>Job</i>          | <i>4% of direct costs or \$40,000, whichever is less</i> |
| Grading (< 500-foot push)   | cubic yard          | 0.90   |
| Grading (≥ 500-foot push/haul)  | cubic yard          | 1.20   |
| Selective Grading   | Acre                | 1,600.00   |
| Revegetation  | Acre                | 1,530.00   |
| Tree Planting   | Tree                | 0.15   |
| Ditch Excavation  | cubic yard          | 5.50   |
| Jute Matting  | square yard         | 3.25   |
| High Velocity Erosion Control   | square yard         | 2.80   |
| R3 Rock Lining  | square yard         | 18.00  |
| R4 Rock Lining  | square yard         | 24.00  |
| R5 Rock Lining  | square yard         | 19.50  |
| Geotextile/Filter Fabric  | square yard         | 2.00   |
| PVC Lining <sup>1</sup>   | square yard         | 11.00  |
| Subsurface Drain  | lineal foot         | 13.00  |
| Pond Removal Active Phase <sup>2</sup>  | Pond                | 3,920.00   |
| Erosion and Sedimentation Control<br>(Temporary Installation)   | Job                 | Lump sum (5% of direct costs for site)                   |
| Stage 3 Maintenance Bond Non-Cropland Areas<br>(Land uses where crop yields are not required)                           | Acre                | 100.00   |
| Stage 3 Maintenance Bond Cropland<br>(not row crops) Pastureland or Land occasional<br>cut for hay (excludes seed cost) | Acre                | 600.00   |

| <i>Unit Operation</i>   | <i>Unit Measure</i>  | <i>Unit Costs (\$)</i>  |
|---|--|---|
| <i>Mobilization/demobilization</i>                                    | <i>Job</i>   | <i>4% of direct costs or \$40,000, whichever is less</i>  |
| Stage 3 Maintenance Bond Cropland Area—Row Crops (includes seed cost) | Acre   | 800.00  |
| Stage 3 Mobilization  | Job  | 2,500.00  |
| Pond Removal—Stage 3  | Cubic yards (Embankment volume) Plus Topsoiling and Revegetation Cost  | Use < 500 grading for pond embankment volume plus Topsoiling and Revegetation cost for the area disturbed |
| Ditch Removal—Stage 3   | Lineal Foot  | 0.75  |
| Equipment Tire Removal and Disposal                                   | Tire   | 300.00  |
| Structure Demolition  | Costs will be calculated using costs listed in the construction industry's latest annual cost publications, such as <i>Means Building Construction Cost Data</i> . |   |

<sup>1</sup> Typically used for lining of ponds or ditches crossing fill material.

<sup>2</sup> Unit cost not from BAMR bids; includes dewatering, grading, topsoil placement and revegetation.

**TABLE 2**

**Land Maintenance Financial Guarantee Fees  
For Year 2008**

| <i>Fee Category</i> | <i>Fee (\$)</i> |
|---------------------|-----------------|
| Publication         | \$1,000         |
| Administrative      | \$300           |

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-454. Filed for public inspection March 14, 2008, 9:00 a.m.]

**Cleanup Standards Scientific Advisory Board;  
Meeting Cancellation**

The Cleanup Standards Scientific Advisory Board (CSSAB) meeting scheduled for Tuesday, March 25, 2008, has been cancelled. The next meeting of the CSSAB is scheduled for July 16, 2008, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning this meeting can be directed to Marilyn Wooding at (717) 783-7816 or mwooding@state.pa.us. The agenda and meeting materials for the July 16, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-7816 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 08-455. Filed for public inspection March 14, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Brownsville Tri-County Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Brownsville Tri-County Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.3.9.2 (relating to equipment and supply storage) and 2.1-8.2.2.3-2.b (relating to inpatient bedrooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@state.pa.us](mailto:ra-paexcept@state.pa.us).

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-456. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.1-5.5.5 (relating to medical air in MRI rooms)

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-457. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of North Pointe Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that North Pointe Surgery Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 9.5.F3.c (relating to clearances around recovery bay patient stretchers).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-458. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication 5.1.2.5(1) (relating to size requirements for treatment rooms located in emergency department).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-459. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of Surgical Institute of Reading for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgical Institute of Reading has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 5.5.8.1, 5.5.8.4, 5.5.10.1 (relating to support areas for imaging suite).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-460. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Applications for Exception to 28 Pa. Code § 569.1

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 569.1 (relating to principle).

Grandview Surgery & Laser Center  
Northwood Surgery Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-461. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of UPMC McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC McKeesport has requested an exception to the requirements of 28 Pa. Code § 138.15 (relating to high-risk cardiac catheterizations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-462. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Application of US Vascular Access Center of Philadelphia, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that US Vascular Access Center of Philadelphia, LLC has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(1)(3) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-463. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings**

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold public meetings on Wednesday, March 19 and Thursday, March 20, 2008.

The meetings will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050, on Wednesday, March 19 from 9 a.m. to 4 p.m. and on Thursday, March 20 from 9 a.m. until 2 p.m.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting, and require an auxiliary aid, service or other accommodation to do so should contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel these meetings without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-464. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **Long-Term Care Nursing Facilities; Requests for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.36 (relating to function of building; and bathing facilities).

The Inn at Freedom Village  
35 Freedom Boulevard  
West Brandywine, PA 19320  
FAC ID 105502

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-465. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **Trans Fat Task Force Meeting**

The Trans Fat Task Force will hold a meeting on Tuesday, April 15, 2008, from 1 p.m. to 3 p.m. The meeting will be held in Room 812 of the Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Stephanie Winegar, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120 at (717) 787-5876 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 08-466. Filed for public inspection March 14, 2008, 9:00 a.m.]

## **DEPARTMENT OF PUBLIC WELFARE**

### **Income Limits for the Categorically Needy Nonmoney Payment Medicaid Program**

The Department of Public Welfare (Department) increased the income limits codified in 55 Pa. Code § 181.1(f)(1), (2) and (4) (relating to general policy on MA income common to all categories of MA) effective January 1, 2008.

The regulations in 55 Pa. Code § 181.1(f)(1), (2) and (4) establish that the income limits for the Categorically Needy Nonmoney Payment Medical Assistance Program (program) for aged, blind and disabled persons are based on the Federal benefit rate payable under Title XVI of the Social Security Act (42 U.S.C.A. §§ 1381—1383c). Effective January 1, 2008, the Federal benefit rate was increased due to the Federal cost-of-living increase.

As required under 55 Pa. Code § 181.1(f), the Department revised the income limits for the program for aged, blind and disabled persons effective January 1, 2008. Those limits are set forth in Appendices A, B and D, which are recommended for codification in 55 Pa. Code Chapter 181 (relating to income provisions for categorically needy NMP-MA and MNO-MA). Appendix A is the Federal benefit rate plus the State supplement payable under Title XVI. Appendix B is 300% of the Federal benefit rate payable under Title XVI. Appendix D is the Federal benefit rate payable under Title XVI. Item 1 of Appendix D is 1/2 of the Federal benefit rate for one person. Item 2 of Appendix D is 1/2 of the Federal benefit rate for two persons.

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-544. No fiscal impact; (8) recommends adoption.

#### APPENDIX A

##### CATEGORICALLY NEEDY NONMONEY PAYMENT MONTHLY INCOME LIMITS FOR THE AGED, BLIND AND DISABLED CATEGORIES EFFECTIVE JANUARY 1, 2008

|           |          |
|-----------|----------|
| 1 PERSON  | \$664.40 |
| 2 PERSONS | \$999.70 |

#### APPENDIX B

##### CATEGORICALLY NEEDY NONMONEY PAYMENT MONTHLY INCOME LIMITS FOR THE AGED, BLIND, AND DISABLED CATEGORIES RECEIVING SKILLED CARE, HEAVY CARE/INTERMEDIATE SERVICES OR INTERMEDIATE CARE EFFECTIVE JANUARY 1, 2008

|          |         |
|----------|---------|
| 1 PERSON | \$1,911 |
|----------|---------|

#### APPENDIX D

##### MONTHLY FEDERAL BENEFIT RATE EFFECTIVE JANUARY 1, 2008

|           |       |
|-----------|-------|
| 1 PERSON  | \$637 |
| 2 PERSONS | \$956 |

##### PERCENTAGES OF MONTHLY FEDERAL BENEFIT RATE EFFECTIVE JANUARY 1, 2008

ITEM 1) 50% of Federal Benefit Rate  
for 1 person = \$318.50

ITEM 2) 50% of Federal Benefit Rate  
for 2 persons = \$478

[Pa.B. Doc. No. 08-467. Filed for public inspection March 14, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Blue Moon Bingo Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Blue Moon Bingo.

2. *Price:* The price of a Pennsylvania Blue Moon Bingo instant lottery game ticket is \$2.

3. *Play Symbols:*

(a) Each Pennsylvania Blue Moon Bingo instant lottery game ticket will contain four play areas designated as "Card 1," "Card 2," "Card 3" and "Card 4." The 77 play symbols located in the four play areas are: The numbers 1 through 75, a "FREE" symbol and a "STAR" symbol. The "FREE" symbol and the "STAR" symbol are free spaces.

(b) Each ticket will also contain a "Caller's Card" area. The "Caller's Card" area will consist of 30 spaces on a 3 by 10 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 01 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75 and a "BLUE MOON" symbol.

(c) When a player reveals the "BLUE MOON" symbol in the "Caller's Card" area, the player can use it as an extra free space in any of the four play areas, and when it completes a winning pattern, the prize doubles.

4. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$50, \$100, \$500, \$1,000 and \$20,000.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Blue Moon Bingo instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 4," shall be entitled to a prize of \$20,000.

(b) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 3," shall be entitled to a prize of \$1,000.

(c) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 2," shall be entitled to a prize of \$500.

(d) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 4," shall be entitled to a prize of \$500.

(e) Holders of tickets matching the "Caller's Card" play symbols in an "X" pattern, extending through the "FREE" space and through to each of the four corner spaces, on "Card 1," shall be entitled to a prize of \$100.

(f) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 2" or "Card 3," shall be entitled to a prize of \$100.

(g) Holders of tickets matching the "Caller's Card" play symbols in a diamond pattern, matching one square in the midpoint in each of the four outside rows and columns, on "Card 1," shall be entitled to a prize of \$50.

(h) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 4," shall be entitled to a prize of \$50.



(i) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 2" or "Card 3," shall be entitled to a prize of \$20.

(j) Holders of tickets matching the "Caller's Card" play symbols in the three of the four corners on "Card 1," and a "BLUE MOON" symbol appears on the "Caller's Card," on that same ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets matching the "Caller's Card" play symbols in the four corners on "Card 1," shall be entitled to a prize of \$10.

(l) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line on "Card 4," and a "BLUE MOON" symbol appears on the "Caller's Card," on that same ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 4," shall be entitled to a prize of \$5.

(n) Holders of tickets matching the "Caller's Card" play symbols in four of the five spaces in a horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3," and a "BLUE MOON" symbol appears on the "Caller's Card," on that same ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets matching the "Caller's Card" play symbols in a five-space horizontal, vertical or diagonal line on "Card 1" or "Card 2" or "Card 3," shall be entitled to a prize of \$2.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

| <i>Get</i>  | <i>Win</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 14,400,000 Tickets</i> |
|---|------------|-----------------------------------|--|
| LINE-CARD 1   | \$2        | 25                                | 576,000  |
| LINE-CARD 2   | \$2        | 30                                | 480,000  |
| LINE-CARD 3   | \$2        | 30                                | 480,000  |
| LINE-CARDS 1 & 2  | \$4        | 150                               | 96,000   |
| LINE-CARDS 2 & 3  | \$4        | 150                               | 96,000   |
| LINE-CARDS 1 & 3  | \$4        | 150                               | 96,000   |
| LINE-CARD 1 w/BLUE MOON   | \$4        | 75                                | 192,000  |
| LINE-CARD 2 w/BLUE MOON   | \$4        | 75                                | 192,000  |
| LINE-CARD 3 w/BLUE MOON   | \$4        | 75                                | 192,000  |
| LINE-CARD 4   | \$5        | 25                                | 576,000  |
| LINE-CARD 4 w/BLUE MOON   | \$10       | 100                               | 144,000  |
| 4 CORNERS-CARD 1  | \$10       | 100                               | 144,000  |
| 4 CORNERS-CARD 2  | \$20       | 500                               | 28,800   |
| 4 CORNERS-CARD 3  | \$20       | 750                               | 19,200   |
| 4 CORNERS-CARD 1 w/BLUE MOON  | \$20       | 300                               | 48,000   |
| 4 CORNERS-CARDS 1 & 2   | \$30       | 1,200                             | 12,000   |
| 4 CORNERS-CARDS 1 & 3   | \$30       | 1,200                             | 12,000   |
| 4 CORNERS-CARD 4  | \$50       | 2,400                             | 6,000  |
| DIAMOND-CARD 1  | \$50       | 2,400                             | 6,000  |
| 4 CORNERS-CARDS 1, 2 & 3  | \$50       | 2,400                             | 6,000  |
| (LINE-CARD 4 w/BLUE MOON) + (4 CORNERS-CARD 2) + (4 CORNERS-CARD 3)               | \$50       | 2,222                             | 6,480  |
| (4 CORNERS-CARD 4) + (DIAMOND-CARD 1)   | \$100      | 6,000                             | 2,400  |
| DIAMOND-CARD 2  | \$100      | 6,000                             | 2,400  |
| DIAMOND-CARD 3  | \$100      | 6,000                             | 2,400  |
| (4 CORNERS-CARD 1) + (4 CORNERS-CARD 2) + (4 CORNERS-CARD 3) + (4 CORNERS-CARD 4) | \$100      | 6,000                             | 2,400  |
| "X"-CARD 1  | \$100      | 6,000                             | 2,400  |
| "X"-CARD 2  | \$500      | 40,000                            | 360  |
| DIAMOND-CARD 4  | \$500      | 40,000                            | 360  |
| "X"-CARD 3  | \$1,000    | 60,000                            | 240  |
| ("X"-CARD 2) + (DIAMOND-CARD 4)   | \$1,000    | 60,000                            | 240  |
| "X"-CARD 4  | \$20,000   | 1,200,000                         | 12   |

Get a "BLUE MOON" symbol in the Caller's Card to use as an extra Free Space in Cards 1—4 to complete a winning pattern to double your prize on that Card.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Blue Moon Bingo instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Blue Moon Bingo, prize money from winning Pennsylvania Blue Moon Bingo instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Blue Moon Bingo instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will

be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Blue Moon Bingo or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-468. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Pennsylvania Mother's Day Gift '08 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Mother's Day Gift '08.

2. *Price:* The price of a Pennsylvania Mother's Day Gift '08 instant lottery game ticket is \$5.

3. *Play Symbols:*

(a) Each Pennsylvania Mother's Day Gift '08 instant lottery game ticket will contain four play areas known as Game 1, Game 2, Game 3 and Bouquet Bonus. Each game is played separately.

(b) The prize play symbols and their captions located in the play area for Game 1 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

(c) The play symbols and their captions located in the play area for Game 2 are: X symbol (XXX) and Heart symbol (HEART).

(d) The play symbols and their captions located in the "YOUR SYMBOLS" and "LUCKY SYMBOL" areas for Game 3 are: Money symbol (MONEY), House symbol (HOUSE), Necklace symbol (NCKLACE), Ring symbol (RING), Candy symbol (CANDY), Emerald symbol (EMERALD), Diamond symbol (DIAMOND), Gift symbol (GIFT), Mink Coat symbol (MINK), Car symbol (CAR), Balloon symbol (BALLOON) and Rose symbol (ROSE).

(e) The prize play and play symbols and their captions located in the "BONUS" area for "Bouquet Bonus" are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:* The prize symbols and their captions located in the prize area for Game 2 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO). The prize symbols and their captions located in the

prize area for Game 3 are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in Game 1 are: \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$50,000. The prizes that can be won in Game 2 are: \$5, \$10, \$20, \$100, \$500, \$1,000 and \$50,000. The prizes that can be won in Game 3 are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000 and \$50,000. The prizes that can be won in Bouquet Bonus are: \$5, \$10, \$20, \$40, \$50, \$100, \$500 and \$1,000. A player can win up to 8 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Mother's Day Gift '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for Game 1 are:

(1) Holders of tickets with three matching prize play symbols of \$50,000 (FTY THO) in the play area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching prize play symbols of \$500 (FIV HUN) in the play area, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets with three matching prize play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(8) Holders of tickets with three matching prize play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets with three matching prize play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Game 2 are:

(1) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching Heart (HEART) play symbols in the same row, column or diagonal and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Game 3 are:

(1) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR SYMBOL" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets upon which any one of the "YOUR SYMBOLS" play symbols matches the "LUCKY SYMBOL" play symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR SYMBOLS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Bouquet Bonus are:

(1) Holders of tickets with a \$1,000 (ONE THO) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(2) Holders of tickets with a \$500 (FIV HUN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets with a \$100 (ONE HUN) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets with a \$50\$ (FIFTY) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets with a \$40\$ (FORTY) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$40.

(6) Holders of tickets with a \$20\$ (TWENTY) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets with a \$10<sup>00</sup> (TEN DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with a \$5<sup>00</sup> (FIV DOL) play symbol in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amount of prizes and approximate odds of winning:

| <i>Bouquet Bonus</i> | <i>Game 1</i> | <i>Game 2</i> | <i>Game 3</i> | <i>Win</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 4,800,000 Tickets</i> |
|----------------------|---------------|---------------|---------------|------------|-----------------------------------|---|
| \$5                  | \$5           | \$5           | \$5           | \$5        | 30                                | 160,000   |
|                      |               |               |               | \$5        | 30                                | 160,000   |
|                      |               |               |               | \$5        | 30                                | 160,000   |
|                      |               |               | \$5           | \$5        | 30                                | 160,000   |
| \$10                 | \$10          | \$10          | \$10          | \$10       | 60                                | 80,000  |
|                      |               |               |               | \$10       | 120                               | 40,000  |
|                      |               |               |               | \$10       | 120                               | 40,000  |
|                      |               |               | \$10          | \$10       | 120                               | 40,000  |
| \$5                  |               |               | \$5           | \$10       | 120                               | 40,000  |
|                      |               |               | \$5 × 2       | \$10       | 120                               | 40,000  |

| <i>Bouquet Bonus</i> | <i>Game 1</i> | <i>Game 2</i> | <i>Game 3</i> | <i>Win</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 4,800,000 Tickets</i> |
|----------------------|---------------|---------------|---------------|------------|-----------------------------------|---|
| \$20                 |               |               |               | \$20       | 200                               | 24,000  |
|                      | \$20          |               |               | \$20       | 200                               | 24,000  |
|                      |               | \$20          |               | \$20       | 200                               | 24,000  |
|                      |               |               | \$20          | \$20       | 200                               | 24,000  |
| \$10                 | \$5           | \$5           |               | \$20       | 200                               | 24,000  |
| \$10                 |               |               | \$5 × 2       | \$20       | 200                               | 24,000  |
|                      |               |               | \$5 × 4       | \$20       | 300                               | 16,000  |
| \$40                 |               |               |               | \$40       | 600                               | 8,000   |
|                      | \$40          |               |               | \$40       | 600                               | 8,000   |
| \$5                  | \$10          | \$10          | \$5 × 3       | \$40       | 600                               | 8,000   |
| \$10                 | \$10          | \$10          | \$10          | \$40       | 600                               | 8,000   |
| \$20                 |               |               | \$5 × 4       | \$40       | 600                               | 8,000   |
| \$50                 |               |               |               | \$50       | 600                               | 8,000   |
|                      |               |               | \$50          | \$50       | 600                               | 8,000   |
| \$5                  | \$20          | \$20          | \$5           | \$50       | 600                               | 8,000   |
| \$10                 | \$10          | \$10          | \$10 × 2      | \$50       | 600                               | 8,000   |
| \$20                 | \$5           |               | \$5 × 5       | \$50       | 600                               | 8,000   |
| \$100                |               |               |               | \$100      | 1,714                             | 2,800   |
|                      | \$100         |               |               | \$100      | 1,846                             | 2,600   |
|                      |               | \$100         |               | \$100      | 1,846                             | 2,600   |
|                      |               |               | \$100         | \$100      | 1,846                             | 2,600   |
| \$10                 | \$20          | \$20          | \$10 × 5      | \$100      | 1,714                             | 2,800   |
| \$20                 | \$20          | \$20          | \$20 × 2      | \$100      | 1,846                             | 2,600   |
| \$50                 | \$50          |               |               | \$100      | 1,846                             | 2,600   |
|                      |               |               | \$20 × 5      | \$100      | 1,846                             | 2,600   |
| \$500                |               |               |               | \$500      | 15,000                            | 320   |
|                      | \$500         |               |               | \$500      | 15,000                            | 320   |
|                      |               | \$500         |               | \$500      | 15,000                            | 320   |
|                      |               |               | \$500         | \$500      | 15,000                            | 320   |
|                      |               |               | \$100 × 5     | \$500      | 15,000                            | 320   |
| \$1,000              |               |               |               | \$1,000    | 40,000                            | 120   |
|                      | \$1,000       |               |               | \$1,000    | 40,000                            | 120   |
|                      |               | \$1,000       |               | \$1,000    | 40,000                            | 120   |
|                      |               |               | \$1,000       | \$1,000    | 40,000                            | 120   |
|                      | \$50,000      |               |               | \$50,000   | 1,200,000                         | 4   |
|                      |               | \$50,000      |               | \$50,000   | 1,200,000                         | 4   |
|                      |               |               | \$50,000      | \$50,000   | 1,200,000                         | 4   |

Bouquet Bonus—Reveal prize amount from \$5 to \$1,000 and win that prize.

Game 1—Get 3 like amounts, win that prize.

Game 2—Get three Heart symbols in a row, column or diagonal, win prize shown.

Game 3—When any of YOUR SYMBOLS match the LUCKY SYMBOL, win prize shown under the matching symbol.

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Mother's Day Gift '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Mother's Day Gift '08, prize money from winning Pennsylvania Mother's Day Gift '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Mother's Day Gift '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Mother's Day Gift '08 or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-469. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Pennsylvania 10X The Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 10X The Money.

2. *Price:* The price of a Pennsylvania 10X The Money instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania 10X The Money instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 10X (10TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$10,000 (TEN THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$10,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania 10X The Money instant lottery game.

#### 7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$100 (ONE HUN) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$40\$ (FORTY) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a 10X symbol (10TIMES), and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the 10X symbol (10TIMES), on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.<sup>00</sup> (FOR DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers  
Match Either Winning  
Number, Win With Prize(s)  
Of:*

|             | <i>Win:</i> | <i>Approximate Odds<br/>Are 1 In:</i> | <i>Approximate No.<br/>Of Winners Per<br/>12,000,000 Tickets</i> |
|-------------|-------------|---------------------------------------|--|
| \$1 × 2     | \$2         | 18.75                                 | 640,000  |
| \$2         | \$2         | 21.43                                 | 560,000  |
| \$1 × 4     | \$4         | 50                                    | 240,000  |
| \$2 × 2     | \$4         | 50                                    | 240,000  |
| \$4         | \$4         | 50                                    | 240,000  |
| \$1 × 5     | \$5         | 75                                    | 160,000  |
| \$5         | \$5         | 75                                    | 160,000  |
| \$1 × 10    | \$10        | 375                                   | 32,000   |
| \$1 w/10X   | \$10        | 150                                   | 80,000   |
| \$5 × 2     | \$10        | 500                                   | 24,000   |
| \$10        | \$10        | 500                                   | 24,000   |
| \$2 × 10    | \$20        | 750                                   | 16,000   |
| \$2 w/10X   | \$20        | 375                                   | 32,000   |
| \$10 × 2    | \$20        | 750                                   | 16,000   |
| \$20        | \$20        | 375                                   | 32,000   |
| \$4 × 10    | \$40        | 2,400                                 | 5,000  |
| \$4 w/10X   | \$40        | 2,400                                 | 5,000  |
| \$10 × 4    | \$40        | 2,400                                 | 5,000  |
| \$20 × 2    | \$40        | 2,400                                 | 5,000  |
| \$40        | \$40        | 2,400                                 | 5,000  |
| \$5 × 10    | \$50        | 2,400                                 | 5,000  |
| \$5 w/10X   | \$50        | 2,400                                 | 5,000  |
| \$10 × 5    | \$50        | 2,400                                 | 5,000  |
| \$50        | \$50        | 2,400                                 | 5,000  |
| \$10 × 10   | \$100       | 4,800                                 | 2,500  |
| \$10 w/10X  | \$100       | 4,800                                 | 2,500  |
| \$50 × 2    | \$100       | 4,800                                 | 2,500  |
| \$100       | \$100       | 4,800                                 | 2,500  |
| \$40 × 10   | \$400       | 40,000                                | 300  |
| \$40 w/10X  | \$400       | 40,000                                | 300  |
| \$400       | \$400       | 40,000                                | 300  |
| \$100 w/10X | \$1,000     | 20,000                                | 600  |
| \$1,000     | \$1,000     | 30,000                                | 400  |
| \$10,000    | \$10,000    | 120,000                               | 100  |

10X (10TIMES) = Win 10 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 10X The Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 10X The Money, prize money from winning Pennsylvania 10X The Money instant lottery game tickets will be retained by the

Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 10X The Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 10X The Money or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-470. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Pennsylvania Triple 3 3 3 '08 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Triple 3 3 3 '08.

2. *Price:* The price of a Pennsylvania Triple 3 3 3 '08 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Triple 3 3 3 '08 instant lottery game ticket will contain four play areas known as "GAME 1," "GAME 2," "GAME 3" and "GAME 4." Each "GAME" is played separately. The black play symbols and their captions located in the four play areas are: 1 (ONE), 2 (TWO), 3 (THR), 4 (FOR), 5 (FIV), 6 (SIX), 7 (SVN), 8 (EGT), 9 (NIN) and 333 (3THR). The red play symbols and their captions located in the four play areas are: 1 (RONE), 2 (RTWO), 3 (RTHR), 4 (RFOR), 5 (RFIV), 6 (RSIX), 7 (RSVN), 8 (REGT) and 9 (RNIN).

4. *Prize Symbols:* The prize symbols and their captions located in the four play areas are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$9<sup>00</sup> (NIN DOL), \$10<sup>00</sup> (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$60\$ (SIXTY), \$90\$ (NINTY), \$100 (ONE HUN), \$333 (THYTHR) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$3, \$5, \$6, \$9, \$10, \$15, \$20, \$30, \$60, \$90, \$100, \$333 and \$3,000. A player can win up to four times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 14,400,000 tickets will be printed for the Pennsylvania Triple 3 3 3 '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$3,000 (THR THO) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$3,000.

(b) Holders of tickets with a 333 (3THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$333 (THYTHR) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$333.

(c) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$100 (ONE HUN) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$90\$ (NINTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$90.

(e) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$30\$ (THIRTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$90.

(f) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$60\$ (SIXTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$60.

(g) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$20\$ (TWENTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$60.

(h) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$30\$ (THIRTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(i) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$30.

(j) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$20\$ (TWENTY) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$15\$ (FIFTN) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(l) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$15.

(m) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$9<sup>00</sup> (NIN DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(o) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$3<sup>00</sup> (THR DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$9.

(p) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$6.<sup>00</sup> (SIX DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(q) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$6.

(r) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$5.<sup>00</sup> (FIV DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$3.<sup>00</sup> (THR DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(t) Holders of tickets with a Red 3 (RTHR) play symbol in any "GAME," with the symbol and caption printed in red ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appear-

ing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$2.<sup>00</sup> (TWO DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of \$1.<sup>00</sup> (ONE DOL) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of \$1.

(w) Holders of tickets with a 3 (THR) play symbol in any "GAME," with the symbol and caption printed in black ink, and a prize symbol of FREE (TICKET) appearing in the prize area for that "GAME," on a single ticket, shall be entitled to a prize of one Pennsylvania Triple 3 3 '08 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

Get A "3"(THR) Symbol In  
Any Game, Win With Prize(s)  
Of:

|                       | Win:            | Approximate Odds<br>Are 1 In: | Approximate No.<br>Of Winners Per<br>14,400,000 Tickets |
|-----------------------|-----------------|-------------------------------|---|
| FREE                  | FREE \$1 TICKET | 12                            | 1,200,000   |
| \$1                   | \$1             | 60                            | 240,000   |
| \$1 × 2               | \$2             | 33.33                         | 432,000   |
| \$2                   | \$2             | 33.33                         | 432,000   |
| \$1 w/RED 3           | \$3             | 75                            | 192,000   |
| \$1 × 3               | \$3             | 150                           | 96,000  |
| \$3                   | \$3             | 150                           | 96,000  |
| \$5                   | \$5             | 120                           | 120,000   |
| \$2 w/RED 3           | \$6             | 750                           | 19,200  |
| \$3 × 2               | \$6             | 750                           | 19,200  |
| \$6                   | \$6             | 1,500                         | 9,600   |
| \$3 w/RED 3           | \$9             | 428.57                        | 33,600  |
| \$9                   | \$9             | 1,000                         | 14,400  |
| \$5 × 2               | \$10            | 600                           | 24,000  |
| \$10                  | \$10            | 600                           | 24,000  |
| \$5 w/RED 3           | \$15            | 1,000                         | 14,400  |
| \$15                  | \$15            | 1,500                         | 9,600   |
| \$10 × 2              | \$20            | 1,000                         | 14,400  |
| \$20                  | \$20            | 1,500                         | 9,600   |
| (\$5 × 3) + \$15      | \$30            | 3,200                         | 4,500   |
| \$10 w/RED 3          | \$30            | 2,400                         | 6,000   |
| \$15 × 2              | \$30            | 3,200                         | 4,500   |
| \$30                  | \$30            | 3,200                         | 4,500   |
| \$15 × 4              | \$60            | 6,000                         | 2,400   |
| \$20 w/RED 3          | \$60            | 4,800                         | 3,000   |
| \$30 × 2              | \$60            | 8,000                         | 1,800   |
| \$60                  | \$60            | 6,000                         | 2,400   |
| \$30 w/RED 3          | \$90            | 12,000                        | 1,200   |
| \$90                  | \$90            | 12,000                        | 1,200   |
| (\$30 × 3) + \$10     | \$100           | 24,000                        | 600   |
| (\$30 w/RED 3) + \$10 | \$100           | 12,000                        | 1,200   |
| \$100                 | \$100           | 24,000                        | 600   |
| \$333 w/'333'         | \$333           | 48,000                        | 300   |
| \$3,000               | \$3,000         | 240,000                       | 60  |

'Red 3' (RTHR) = Win triple the prize shown for that game.  
'333' (3THR) Symbols = Win \$333 automatically.



Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Triple 3 3 3 '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple 3 3 3 '08, prize money from winning Pennsylvania Triple 3 3 3 '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple 3 3 3 '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Triple 3 3 3 '08 or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-471. Filed for public inspection March 14, 2008, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Borough of Bellefonte v. DEP; EHB Doc. No. 2008-053-L

The Borough of Bellefonte has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Borough of Bellefonte for a facility in Spring Township, Centre County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-472. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Borough of Huntingdon v. DEP; EHB Doc. No. 2008-054-L

The Borough of Huntingdon has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Borough of Huntingdon for a facility in Smithfield Township, Huntingdon County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-473. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Borough of Lewistown v. DEP; EHB Doc. No. 2008-055-L

Borough of Lewistown has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Borough of Lewistown for a facility in Lewistown Borough, Mifflin County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-474. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **East Pennsboro Township v. DEP; EHB Doc. No. 2008-061-L**

East Pennsboro Township has appealed the issuance by the Department of Environmental Protection of an NPDES permit to East Pennsboro Township for a facility in East Pennsboro Township, Cumberland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-475. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **Lemoyne Borough Municipal Authority v. DEP; EHB Doc. No. 2008-058-L**

Lemoyne Borough Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Lemoyne Borough Municipal Authority for a facility in Lemoyne Borough, Cumberland County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code

§ 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-476. Filed for public inspection March 14, 2008, 9:00 a.m.]

### **Milford-Trumbauersville Area Sewer Authority v. DEP; EHB Doc. No. 2008-060-C**

Milford-Trumbauersville Area Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Milford-Trumbauersville Area Sewer Authority for a facility in Milford Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 08-477. Filed for public inspection March 14, 2008, 9:00 a.m.]

## **FISH AND BOAT COMMISSION**

### **Boat and Marine Forfeiture; Maximum Amount**

Chapter 53, Subchapter C of 30 Pa.C.S. (relating to boat and marine forfeiture) applies only to boats and related equipment with a resale value based upon established industry standards equal to or less than the maximum amount set forth in 30 Pa.C.S. § 5331(c) (relating to scope of subchapter). This subsection provides that for the year 2006, the maximum amount will be \$5,000 and for each year thereafter, the maximum amount will be fixed annually by the Fish and Boat Commission (Commission) based upon the maximum amount in the prior year as adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the United States for all items as published by the United States Department of Labor, Bureau of Labor Statistics, for the previous 12-month period. The subsection further provides that the maximum amount as adjusted will be rounded to the nearest multiple of \$5 and that the Commission will give notice of the new maximum amount

by publication in the *Pennsylvania Bulletin*. The Commission previously fixed the maximum amount for 2007 at \$5,105.

Under 30 Pa.C.S. § 5331(c), the Commission has fixed the maximum amount for 2008 as \$5,325.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

[Pa.B. Doc. No. 08-478. Filed for public inspection March 14, 2008, 9:00 a.m.]

## 2008 Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering a change to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

The criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

### (i) Wild Brook Trout Fisheries.

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

### (ii) Wild Brown Trout Fisheries.

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

### (iii) Mixed Wild Brook and Brown Trout Fisheries.

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

### (iv) Wild Rainbow Trout Fisheries.

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

At its meeting on April 21 and 22, 2008, the Commission intends to consider adding Big Rift Creek, Tioga County, from the headwaters to the mouth, to its list of Class A Wild Trout Streams. Commission staff, during a 2007 survey, documented this stream to have a total wild brook trout biomass of 35.15 kg/ha.

Persons with comments, objections or suggestions concerning the addition are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

[Pa.B. Doc. No. 08-479. Filed for public inspection March 14, 2008, 9:00 a.m.]

## 2008 Classification of Wild Trout Streams; Additions, Deletions and Adjustments

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 21 and 22, 2008, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

| <i>County of Mouth</i> | <i>Stream Name</i>                      | <i>Tributary To</i>                | <i>Section Limits</i>  |
|------------------------|---|------------------------------------|--|
| Blair                  | Beaverdam Branch                        | Frankstown Branch<br>Juniata River | Headwaters downstream to<br>SR 22 Bridge in Hollidaysburg      |
| Bradford               | Mill Creek                              | Towanda Creek                      | Headwaters downstream to mouth                                 |
| Centre                 | UNT to Sixmile Run<br>(at Dayton Dam)   | Sixmile Run                        | Headwaters downstream to mouth                                 |
| Clinton                | Bald Eagle Creek                        | West Branch<br>Susquehanna River   | Headwaters downstream to<br>inlet of Foster Joseph Sayers Lake |
| Huntingdon             | Halfmoon Creek                          | Spruce Creek                       | Headwaters downstream to mouth                                 |
| Jefferson              | Manners Dam Run                         | North Fork<br>Redbank Creek        | Headwaters downstream to mouth                                 |
| Lycoming               | Glade Run                               | West Branch<br>Susquehanna River   | Headwaters downstream<br>to Interstate 180 crossing            |
| Northumberland         | UNT to Glade Run                        | Glade Run                          | Headwaters downstream to mouth                                 |
| Northumberland         | UNT to West Branch<br>Susquehanna River | West Branch<br>Susquehanna River   | Headwaters downstream to mouth                                 |
| Susquehanna            | Dubois Creek                            | North Branch<br>Susquehanna River  | Headwaters downstream to mouth                                 |
| Tioga                  | Big Rift Creek                          | Tioga Reservoir                    | Headwaters downstream to mouth                                 |
| Tioga                  | Ives Run                                | Hammond Lake                       | Headwaters downstream to mouth                                 |
| Tioga                  | Painter Run                             | Mill Creek                         | Headwaters downstream to mouth                                 |
| Tioga                  | Phoenix Run                             | Mill Creek                         | Headwaters downstream to mouth                                 |
| Tioga                  | West Branch<br>Painter Run              | Painter Run                        | Headwaters downstream to mouth                                 |
| Warren                 | Conklin Run                             | Allegheny River                    | Headwaters downstream to mouth                                 |

The Commission also will consider the following adjustments to the list:

| <i>County of Mouth</i> | <i>Stream Name</i>  | <i>Tributary To</i>             | <i>Section Limits</i>             | <i>Adjustment</i>   |
|------------------------|---|---------------------------------|-----------------------------------|---|
| Berks                  | UNT to UNT Muddy Creek<br>(Maple Grove Drag Strip SGL 52) | UNT to Muddy Creek              | Headwaters<br>downstream to mouth | Change in Water<br>Name. Former name<br>was UNT to Rock Run<br>(SGL 52).  |
| Chester                | Buck Run  | West Branch<br>Brandywine Creek | Headwaters<br>downstream to mouth | Downstream extension<br>based on 2007 data<br>documenting the<br>presence of a wild<br>brown trout<br>population. |

In addition, the Commission will consider the removal of the following stream from the list:

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Tributary To</i>               | <i>Section Limits</i>  |
|------------------------|--------------------|-----------------------------------|--|
| Montour                | Mahoning Creek     | North Branch<br>Susquehanna River | Headwaters downstream to SR<br>3001 Bridge. There was no trout<br>reproduction found in this creek<br>in a survey conducted on<br>6/17/2007. |

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 125-74          | Pennsylvania Gaming Control Board<br>Vendor Certification and Registration | 2/28/08         | 4/3/08                |
| 54-64           | Pennsylvania Liquor Control Board  | 3/4/08          | 4/3/08                |

### Final-Omit

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 13-5            | Department of Military and Veterans Affairs<br>Persian Gulf Conflict Veterans' Benefit Program | 2/29/08         | 4/3/08                |

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-481. Filed for public inspection March 14, 2008, 9:00 a.m.]

# INSURANCE DEPARTMENT

Saeid Alemo, M. D.; Prehearing

## Appeal of Saeid Alemo, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-02-011

On or before March 11, 2008, MCARE shall file a concise statement explaining why it denied coverage for a claim reported to the health care provider and the insurer in November 2007, before the 60 days allowed for payment of the "Health Care Provider Experience Rated Invoice" expired on December 3, 2007. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages.

On or before March 25, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's February 1, 2008, determination. The statement may be in narrative

form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for April 1, 2008, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 4, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 18, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 25, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-482. Filed for public inspection March 14, 2008, 9:00 a.m.]

## Notice to Workers' Compensation Insurance Carriers; Rate Filing

Insurance companies that write Workers' Compensation are required to report workers' compensation premium, loss and claim count information using 2007 Special Schedule "W." Authority for this call is contained in section 655 of The Insurance Company Law of 1921 (40 P. S. § 815). Information to be reported by April 15, 2008, includes the following:

For calendar year 2007:

- \* Premiums—Written, Unearned, Earned
- \* Losses—*Indemnity v. Medical for Paid*, Reserves (*Case v. Bulk & IBNR*), Incurred
- \* Amounts added to premium to yield Standard Earned Premium at Designated Statistical Reporting Level
- \* Deductible adjustments to yield first dollar premiums and losses

For evaluations as of December 31, 2006, and December 31, 2007, policy year information for large deductible (that is, deductible greater than \$100,000) policies verses all other policies including small deductible policies on a first dollar basis:

- \* Premiums—Earned
- \* Losses—*Indemnity v. Medical for Paid*, Reserves (*Case v. Bulk & IBNR*), Incurred
- \* Claim counts—*Indemnity v. Medical for Incurred*, Closed with and without payments

Information regarding the submission of 2007 Special Schedule "W" has been sent to carriers and has also been posted at the Department's web site address, [www.ins.state.pa.us](http://www.ins.state.pa.us).

Persons who have not received this information or have questions concerning information contained in this notice should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968 or bzorkic@state.pa.us.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-483. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Ernest Joseph Coates; Prehearing

#### License Denial; Doc. No. AG08-02-009

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

A prehearing telephone conference initiated by this office is scheduled for April 3, 2008, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before March 7, 2008. A date for a hearing shall be determined, if necessary, at the prehearing/settlement conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before March 24, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 28, 2008.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 08-484. Filed for public inspection March 14, 2008, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Producer Premium; Recombinant Bovine Growth Hormone

Under the Milk Marketing Law (31 P.S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on June 4, 2008, at 9:30 a.m. in Room 309 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning a producer premium for packaged milk labeled so as to represent to consumers that it contains milk produced by cows not treated with recombinant bovine growth hormone (or recombinant bovine somatotropin). The Board will also consider testimony and exhibits concerning the effect of any such premium on minimum wholesale and retail prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to

present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on April 7, 2008, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on April 7, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on April 11, 2008, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on May 9, 2008, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on May 23, 2008, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on May 16, 2008.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 08-485. Filed for public inspection March 14, 2008, 9:00 a.m.]

# OFFICE OF ATTORNEY GENERAL

## Public Meeting

Public notice is hereby given of a meeting of the Lobbying Disclosure Regulation Committee (Committee) established under November 1, 2006 (P. L. 1213, No. 134) (Act 134). The meeting will be held on Thursday, March 27, 2008, at 9:30 a.m. in Room 8A of the East Wing, Capitol Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 of 2006 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-486. Filed for public inspection March 14, 2008, 9:00 a.m.]

# PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

## Board Meeting

A meeting of the Pennsylvania Energy Development Authority (PEDA) Board is scheduled to be held on Friday, March 28, 2008, at 10 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the agenda can be directed to Jeanne Dworetzky at (717) 783-8411 or [jdworetzky@state.pa.us](mailto:jdworetzky@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Angela Rothrock directly at (717) 772-8911, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 08-487. Filed for public inspection March 14, 2008, 9:00 a.m.]

# PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

## Interest Rates and Participation Rates

The Pennsylvania Industrial Development Authority (PIDA) gives notice of the change in interest rates for

loans approved by the PIDA Board of Directors. Loan applications approved by PIDA beginning at its February 2008 board meeting and until further notice will be subject to the interest rate and participation rate schedule set forth in the respective counties as determined by the most recent applicable unemployment statistics and will remain in effect until changed by a notice in the *Pennsylvania Bulletin*. The rates are attached to this Notice as Annex A.

The PIDA Board retains the right to waive or modify the interest rates on a case by case basis for good cause shown.

Further information can be obtained from the Pennsylvania Industrial Development Authority, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120, (717) 787-6245.

DENNIS YABLONSKY,  
*Chairperson*

## PIDA PIDA Participation and Interest Rates for Counties and Municipalities\* Over 25,000 Population Effective February 2008 and forward (until further notice)

|                  | Maximum<br>PIDA<br>Participation |     | Interest<br>Rate** |
|------------------|----------------------------------|-----|--------------------|
|                  | (S)                              | (L) | %                  |
| ADAMS            | 30                               | 30  | 4.00               |
| ALLEGHENY        | 40                               | 30  | 4.00               |
| McKeesport City  | 50                               | 30  | 4.00               |
| ARMSTRONG        | 40                               | 40  | 4.00               |
| BEAVER           | 40                               | 30  | 4.00               |
| BEDFORD          | 40                               | 40  | 4.00               |
| BERKS            | 40                               | 30  | 4.00               |
| Reading City     | 50                               | 30  | 4.00               |
| BLAIR            | 40                               | 40  | 4.00               |
| BRADFORD         | 40                               | 40  | 4.00               |
| BUCKS            | 40                               | 30  | 4.00               |
| BUTLER           | 40                               | 30  | 4.00               |
| CAMBRIA          | 40                               | 40  | 4.00               |
| Johnstown City   | 50                               | 40  | 4.00               |
| CAMERON          | 50                               | 40  | 4.00               |
| CARBON           | 40                               | 40  | 4.00               |
| CENTRE           | 40                               | 40  | 4.00               |
| CHESTER          | 30                               | 30  | 4.00               |
| CLARION          | 40                               | 40  | 4.00               |
| CLEARFIELD       | 40                               | 40  | 4.00               |
| Clearfield Boro. | 60                               | 50  | 4.00               |
| Dubois City      | 50                               | 40  | 4.00               |
| CLINTON          | 40                               | 40  | 4.00               |
| COLUMBIA         | 40                               | 40  | 4.00               |
| CRAWFORD         | 40                               | 40  | 4.00               |
| CUMBERLAND       | 30                               | 30  | 4.00               |
| Carlisle Boro.   | 40                               | 30  | 4.00               |
| DAUPHIN          | 40                               | 30  | 4.00               |
| DELAWARE         | 40                               | 30  | 4.00               |

|                     |     | <i>Maximum<br/>PIDA<br/>Participation</i> |         | <i>Interest<br/>Rate**</i> |      |
|---------------------|-----|---|---------|----------------------------|------|
|                     | (S) | (L)                                       |         | %                          |      |
| Chester City        | 50  | 30  | * * * * | 4.00                       |      |
| ELK                 | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| ERIE                | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| FAYETTE             | 50  |   | 40      | * * *                      | 4.00 |
| FOREST              | 50  |   | 40      | * * *                      | 4.00 |
| FRANKLIN            | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| FULTON              | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| GREENE              | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| HUNTINGDON          | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| INDIANA             | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| JEFFERSON           | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| JUNIATA             | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| LACKAWANNA          | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| LANCASTER           | 30  | * * * *                                   | 30      | * * * *                    | 4.00 |
| Lancaster City      | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| LAWRENCE            | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| New Castle City     | 50  |   | 40      | * * *                      | 4.00 |
| LEBANON             | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| LEHIGH              | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| Allentown City      | 50  |   | 30      | * * * *                    | 4.00 |
| LUZERNE             | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| Hazleton City       | 50  |   | 40      | * * *                      | 4.00 |
| Wilkes-Barre City   | 50  |   | 40      | * * *                      | 4.00 |
| LYCOMING            | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| Williamsport City   | 50  |   | 40      | * * *                      | 4.00 |
| McKEAN              | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| MERCER              | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| Sharon City         | 50  |   | 40      | * * *                      | 4.00 |
| MIFFLIN             | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| MONROE              | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| MONTGOMERY          | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| MONTOUR             | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| NORTHAMPTON         | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| NORTHUMBER-<br>LAND | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| PERRY               | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| PHILADELPHIA        | 50  |   | 40      | * * *                      | 4.00 |
| PIKE                | 50  |   | 30      | * * * *                    | 4.00 |
| POTTER              | 50  |   | 40      | * * *                      | 4.00 |
| SCHUYLKILL          | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| SNYDER              | 40  | * * *                                     | 30      | * * * *                    | 4.00 |
| SOMERSET            | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| SULLIVAN            | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| SUSQUEHANNA         | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| TIOGA               | 40  | * * *                                     | 40      | * * *                      | 4.00 |
| UNION               | 40  | * * *                                     | 30      | * * * *                    | 4.00 |

|              |     | <i>Maximum<br/>PIDA<br/>Participation</i> |    | <i>Interest<br/>Rate**</i> |      |
|--------------|-----|---|----|----------------------------|------|
|              | (S) | (L)                                       |    | %                          |      |
| VENANGO      | 40  | * * *                                     | 40 | * * *                      | 4.00 |
| WARREN       | 40  | * * *                                     | 40 | * * *                      | 4.00 |
| WASHINGTON   | 40  | * * *                                     | 40 | * * *                      | 4.00 |
| WAYNE        | 40  | * * *                                     | 30 | * * * *                    | 4.00 |
| WESTMORELAND | 40  | * * *                                     | 40 | * * *                      | 4.00 |
| WYOMING      | 40  | * * *                                     | 40 | * * *                      | 4.00 |
| YORK         | 40  | * * *                                     | 30 | * * * *                    | 4.00 |
| York City    | 50  |   | 30 | * * * *                    | 4.00 |

\* Municipalities are listed only if PIDA rate differs from County rate.

\*\* Based on calendar year 2006 unemployment rate. Subject to change at discretion of the PIDA Board.

(S) Small Business (less than 50 existing employees, including parent, subsidiaries and affiliates).

(L) Large Business.

*Special Note:* Projects located in Designated Enterprise Zones, Financially Distressed Municipalities under Act 47 (Over), Federal Empowerment Zones, Federal Enterprise Communities, Keystone Opportunity Zones, Keystone Opportunity Expansion Zones, Keystone Opportunity Improvement Zones, Keystone Innovation Zones, Brownfield Sites and Companies Designated as Advanced Tech Firms will receive an interest rate of 4%.

Also, projects located in Keystone Innovation Zones are eligible to receive participation rates of up to 75% at the discretion of the PIDA Board.

\* \* \* 10% Equity required

\* \* \* \* 20% Equity required

[Pa.B. Doc. No. 08-488. Filed for public inspection March 14, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Gas Service

**A-2008-2027716. Equitable Gas Company.** Application of Equitable Gas Company, a Division of Equitable Resources, Inc., for approval of the abandonment of service to two Field Gathering Line Customers and one Vacant Field Gathering Line Meter Tap location in Whiteley Township, Greene County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 31, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.



*Applicant:* Equitable Gas Company

*Through and By Counsel:* Charles E. Thomas, Jr., Esquire, Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 08-489. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Rescission Orders

Public Meeting held  
February 28, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. MMG Holdings, Inc.  
(2006.0295.00); C-20077755; A-311301*

#### Rescission Order

On November 30, 2007, the Commission entered a Default Order at this docket against MMG Holdings, Inc. (MMG), a reseller of toll services certificated at A-311301, for failure to file its 2005 Annual Report. The Default Order was published in the *Pennsylvania Bulletin* on December 22, 2007. By letter dated January 7, 2008, MMG submitted its 2005 Annual Report and a check in the amount of \$250 payable to the Commission to satisfy the late fee previously assessed against MMG for failure to file its 2005 Annual Report in a timely manner. MMG also submitted an updated "Supplier Company Contacts" sheet to update the company's contact information so as to ensure that all future filings will be timely submitted. Finally, MMG advised in its letter that it has taken the additional step of implementing an automatic reporting calendar notification process to ensure timely filing of all future reports; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered November 30, 2007, is hereby rescinded.
2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

#### Rescission Order

Public Meeting held  
February 28, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Network Billing Systems, LLC  
(2006.0295.00); C-20077669; A-310728*

#### Rescission Order

On November 30, 2007, the Commission entered a Default Order at this docket against Network Billing Systems, LLC (Network Billing), a reseller of toll services certificated at A-310728, for failure to file its 2005 Annual

Report. The Default Order was published in the *Pennsylvania Bulletin* on December 22, 2007 at 37 Pa. Bull. 6872. Subsequently, however, Commission staff discovered that Network Billing had in fact filed its 2005 Annual Report on May 3, 2006, so that the complaint should not have been filed against the company; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered November 30, 2007, is hereby rescinded.
2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

### Rescission Order

Public Meeting held  
February 28, 2008

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzingrilli

*Pennsylvania Public Utility Commission Law Bureau  
Prosecutory Staff v. Preferred Carrier Services, Inc.  
(2006.0295.00); C-20077696; A-310403*

#### Rescission Order

On November 30, 2007, the Commission entered a Default Order at this docket against Preferred Carrier Services, Inc. (Preferred Carrier), a reseller of toll services certificated at A-310403, for failure to file its 2005 Annual Report. The Default Order was published in the *Pennsylvania Bulletin* on December 22, 2007 at 37 Pa. Bull. 6880. Subsequently, however, Commission staff discovered that Preferred Carrier had in fact filed its 2005 Annual Report on March 29, 2007, so that the complaint should not have been filed against the company; *Therefore*,

*It Is Ordered That:*

1. The Default Order entered November 30, 2007, is hereby rescinded.
2. A copy of this Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 08-490. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 31, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2008-2014173. Clarion Medical, LLC** (1000 Valley Forge Circle, Suite 110 B., King of Prussia, Montgomery County, PA 19406)—in paratransit service, from points in Montgomery and Bucks Counties, to points in Pennsylvania, and return.

**A-2008-2019746. GJT Enterprises, Inc., t/a Limos R Us** (2515 Route 6, Suite 6, Hawley, Wayne County, PA 18428)—**CORRECTED**—in limousine service, in the Counties of Lackawanna, Luzerne, Monroe, Pike and Wayne. *Attorney:* Joseph R. Rydzewski, 2573 Route 6, Hawley, PA 18428.

**A-2008-2020212. Host Services, LLC, t/a Host Limousine and Transportation** (36 South 3rd Street, Fernwood, Delaware County, PA 19050)—a limited liability company of the Commonwealth, to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and the City and County of Philadelphia, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Richard T. Mulcahey, Jr., Schubert & Bellwoar, 1500 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19102.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2008-2024691. 4N Enterprises, LLC, t/a Units Mobile Storage of Eastern PA** (4165 Fawn trail Road, Allentown, Lehigh County, PA 18104)—a limited liability corporation of the Commonwealth—household goods in use, from points in the Counties of Lehigh, Northampton and Bucks; the municipalities of Green Lane, Harleysville, Hatfield, Kulpsville, Lansdale, Pennsburg, Souderton and Telford in Montgomery County; and the municipality of Hereford in Bucks County, to points in Pennsylvania, and vice versa.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-491. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Telecommunications

**A-311407F7001. Verizon North, Inc. and Eureka Telecom, Inc.** Joint petition of Verizon North, Inc. and Eureka Telecom, Inc. for approval of amendment no. 1 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Eureka Telecom, Inc., by its counsel, filed on February 15, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg,

PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Eureka Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-492. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Telecommunications

**A-310933F7001. Verizon North, Inc. and Metropolitan Telecommunications Corporation of PA.** Joint petition of Verizon North, Inc. and Metropolitan Telecommunications Corporation of PA for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Metropolitan Telecommunications Corporation of PA, by its counsel, filed on February 15, 2008, at the Pennsylvania Public Utility Commission, a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Metropolitan Telecommunications Corporation of PA joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-493. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Telecommunications

**A-311407F7000. Verizon Pennsylvania, Inc. and Eureka Telecom, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. for approval of amendment no. 1 of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Eureka Telecom, Inc., by its counsel, filed on February 15, 2008, at the Pennsylvania Public Utility Commission (Commission) a joint petition for approval of amendment no. 1 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Eureka Telecom, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-494. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2026294. Verizon Pennsylvania, Inc. and Metropolitan Telecommunications Corporation of Pennsylvania, Inc., d/b/a MetTel.** Joint petition of Verizon Pennsylvania, Inc. and Metropolitan Telecommunications Corporation of Pennsylvania, Inc., d/b/a MetTel for approval of amendment no. 3 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Metropolitan Telecommunications Corporation of Pennsylvania, Inc., d/b/a MetTel, by its counsel, filed on February 15, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 3 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Metropolitan Telecommunications Corporation of Pennsylvania, Inc., d/b/a MetTel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director,  
Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-495. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Telecommunications Services

**A-2008-2027713. Intrado Communications, Inc.** Application of Intrado Communications, Inc. for approval to offer, render, furnish or supply Telecommunications Services as a Resold Facilities-Based Competitive Local Exchange Carrier to the public in the service territory of The United Telephone Company of PA, t/a Embarq Pennsylvania.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 31, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Intrado Communications, Inc.

*Through and By Counsel:* Renardo L. Hicks, Esquire,  
Stevens and Lee, 17 North Second Street, 16th Floor,  
Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-496. Filed for public inspection March 14, 2008, 9:00 a.m.]

### Water Service

**A-2008-2027658. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in additional portions of Hanover Township, Washington County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 31, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Susan Simms Marsh, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-497. Filed for public inspection March 14, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Earl Shultz; Doc. No. 0164-42-2008

On January 25, 2008, Earl Shultz, license no. BL-052921, of Philadelphia, Philadelphia County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated January 8, 2008, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-498. Filed for public inspection March 14, 2008, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Virginia I. VanWormer, LPN; Doc. No. 1455-51-  
2007**

On January 18, 2008, Virginia I. VanWormer, LPN, of Erie, Erie County, was revoked, based on her criminal convictions.

Individuals may obtain a copy of the adjudication by writing to Thomas A. Blackburn, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, R. N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 08-499. Filed for public inspection March 14, 2008, 9:00 a.m.]

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